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## **PREFACE**

This handbook is produced by the Office of Human Resources (OHR) to provide information about your employment with the Michigan Department of State. It contains sections that inform and guide you concerning department policies, procedures and employment practices. It also gives general information about Civil Service rules and regulations, and the State Ethics Act.

From time to time, you may receive notice of revisions to department policies or other sections of this handbook as information is updated. The current, official copy of the Employee Handbook will be maintained on OHR's website. The intranet address of OHR's website is: <http://sosinsider/ohr/>.

This handbook is not a contract of employment, expressed or implied, nor is it a guarantee of employment for any specific duration.

If you have comments or suggestions concerning the handbook, please address them to:

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## **Mission Statement**

**The Michigan Department of State's mission is to continually improve customer service using innovation and new technology. The Department will serve the citizens of Michigan with programs designed to enhance driver safety; protect automotive consumers; and ensure the integrity of the motor vehicle administration system and the statewide elections process.**

## A. INTRODUCTION

### IN THE SERVICE OF THE PUBLIC

You have been hired because the Department of State believes you are the best candidate for the position. Initiative and enthusiasm in performing your duties, taking on new work, and maintaining positive standards as a “public servant” will heighten enjoyment and appreciation of your work. These traits will make you an effective and valued employee and can open doors to future opportunities with the Department of State and throughout state government.

**Remember, as a state employee you work for Michigan's citizens. Every person who conducts business with the Department of State is entitled to prompt, courteous, and efficient service.** The image you portray is a direct reflection on the Secretary of State. This image is projected through your behavior, personal grooming and dress, and the quality of the work you perform. It is your obligation to be considerate, helpful and respectful in your relationships with the public, your co-workers, and your supervisors. Because you are a public employee, it is necessary for you to be aware of this obligation at all times so that you present a positive public image. You must also avoid even the appearance of any “conflict of interest” in your activities. There should be no basis for anyone to reasonably believe you might be engaged in activities that are a violation of the public trust, or imply any improper influence on you or by you.

### EMPLOYEE-EMPLOYER RELATIONS

Chapter Six of the Civil Service Rules authorizes employees, by occupational groups, to organize and elect an exclusive representative. An elected exclusive representative, or union, can negotiate with the Employer on terms and conditions of employment within the scope of Civil Service rules and regulations. Eligible employees who choose not to become full union members shall pay a representation service fee to the exclusive representative in lieu of a union membership fee.

Civil Service rules also authorize classified employees in non-exclusively represented positions to elect a limited recognition organization to meet and confer with the Employer over rates of compensation and other terms and conditions of employment and to represent members in Civil Service grievance proceedings and technical appeals.

The Department of State will deduct either membership dues or representation service fees through payroll deduction to be paid to the exclusive representative. Fees for membership in a limited recognition organization may also be deducted through payroll deduction.

**A collective bargaining agreement, or contract, covers terms and conditions of employment for exclusively represented employees. If provisions in this handbook conflict in any way with the collective bargaining agreement, the bargaining agreement will be the controlling authority.**

## **B. THE ORGANIZATION BEHIND YOUR JOB**

The Michigan Department of State is a complex, diversified agency performing a wide variety of activities and services. It is one of the twenty principal departments of Michigan government set up by the 1963 State Constitution (Article V, Section 2 and Section 3; also, included in the Executive Organization Act of 1965).

Historically, it is the oldest department in Michigan government. It dates back to 1835 with the appointment of Kintzing Pritchette as the first Secretary of State.

### **MAJOR FUNCTIONS OF THE DEPARTMENT OF STATE**

The major duties of the Secretary of State generally fall into four categories:

1. Services to drivers and vehicle owners;
2. Consumer protection responsibilities in the area of automotive vehicle sales and repairs;
3. Registration of voters and regulation of Michigan elections;
4. Keeper of the Great Seal and official state documents.

In addition to the classified employees who work in the Department, the Secretary of State is authorized under the state constitution to appoint several unclassified assistants. Unclassified employees serve at the pleasure of the Secretary of State. As such, they are not subject to the provisions of this handbook unless so expressed in a specific provision of their employment contract.



## **C. THE CIVIL SERVICE SYSTEM**

The classified Civil Service system consists of all positions in the executive branch of state government with the exception of those positions filled by popular election, eight positions in the governor's office, members of boards and commissions, directors of principal departments and within each department, up to five unclassified positions.

### **CIVIL SERVICE COMMISSION**

The Civil Service Commission is a constitutionally created body made up of four members appointed by the Governor. The Civil Service Commission has authority to regulate all aspects of employment for members of the classified Civil Service system. The powers of the Civil Service Commission are defined in the State Constitution. These constitutionally granted powers, together with the rules and regulations of the Civil Service Commission dealing with selection and classification, are considered to be the essentials of the merit system.

The Civil Service Commission has delegated to the Department of Civil Service the authority to administer the Commission's merit system responsibilities. The Department of Civil Service:

1. Classifies all positions in the State Civil Service according to duties and responsibilities.
2. Establishes pay and fringe benefits for positions not exclusively represented by a collective bargaining unit.
3. Determines the qualifications of all candidates for classified positions.

### **CLASSIFICATIONS**

The Department of Civil Service administers the official classification plan for all positions in the classified service. Most positions in state service are structured into four groups organized around a common core characteristic. This type of classification system is called the Equitable Classification Plan (ECP). Group One includes all non-supervisory classifications that do not require a four-year college degree. Group Two consists of all non-supervisory classifications that require a four-year college degree or equivalent. Group Three includes supervisory and mid-level management classifications, and Group Four includes senior management and executive level classifications. In order to determine the ECP group for a specific position, Civil Service compares the duties and responsibilities shown on the position description to the official job classification specifications and the ECP glossary.

### **CHANGES IN POSITION**

Many positions have a recognized pattern for advancement and higher pay within a classification

series from entry level to experienced level. Such positions are typically “reclassified” to the next higher level each year by assigning a higher pay grade until the experienced level is reached, as long as the employee is performing satisfactorily.

A position may also be reclassified to a higher level when there is a gradual growth in job duties and responsibilities. In these circumstances, the reclassification must be approved by the Department of Civil Service. An employee who feels the current classification does not reflect his/her present duties may initiate a position review by filing an updated position description and a written request with the Department of Civil Service.

WORKING OUT-OF-CLASS – In some situations, an employee who is temporarily assigned to perform the duties of a different classification may be eligible for working out of class compensation. In order to be eligible, an employee must meet the following conditions:

1. Be assigned to the temporary assignment by the appointing authority or designee to perform the duties and responsibilities of the different classification;
2. Performs all, or substantially all, of the duties and responsibilities which distinguish the temporary assignment from the employee’s current classification;
3. Performs in the temporary assignment for more than 10 consecutive, full workdays;
4. Possesses the education and experience requirements for the classification of the assignment, or currently occupies a position in a classification and level that satisfies the experience requirement for the working out of class assignment.

## **JOB CHANGES**

An employee may assume different duties and responsibilities when he or she moves to a different position. To qualify for any type of job change, the employee must meet the minimum requirements for the new classification.

PROMOTION - Advancement to a higher-level position within the Department is dependent on a number of factors. In addition to meeting minimum qualifications for the new classification, Civil Service standards may require taking and passing an applicable Civil Service examination. It is also necessary to successfully compete in a departmental selection process. Your current job performance, including your attitude, ability, and your relationships with fellow employees will also be considered.

TRANSFERS WITHIN THE DEPARTMENT – Movement to other positions at the same level is governed by the Department's Selection Policy, or the applicable bargaining unit contract. When the Department intends to fill a vacancy, it will be announced in accordance with the appropriate departmental selection procedure.

If you are a member of a bargaining unit and wish to laterally transfer to another location, you must obtain a transfer request form from the Department's Office of Human Resources. Refer to the applicable article in the Agreement pertaining to "Assignment and Transfer."

DEMOTION - A demotion is the movement of an employee with status to a position at a lower level. This situation may occur when:

1. An employee is not performing satisfactorily.
2. An employee's position is reclassified downward.
3. An employee requests the demotion, and the appointing authority approves it.
4. The position occupied by the employee is abolished.
5. The employee is displaced by the return to duty of another employee entitled to the position.
6. The employee is displaced by another employee with more seniority during a reduction in force.
7. The employee does not receive a satisfactory probationary service rating.

## **SELECTION PROCESS**

### RECRUITMENT

Applicants for state jobs must possess the minimum qualifications of the job classification in order to be considered for employment in a position in that classification.

The Department of State maintains a vacancy posting system on the Office of Human Resources' intranet website to notify employees of internal vacancies.

The Civil Service Vacancy Posting system is the primary notification method for job openings in other state agencies. State agencies are required to post all vacancies on the Vacancy Posting system with the following exceptions:

6. The state department is considering internal candidates only.
7. There is a Civil Service applicant pool (employment list) for the classification.
8. There is a recognized alternative recruitment method such as the Michigan Talent Bank, on-line candidate registration (iJob), or on-site college recruiting.

## CIVIL SERVICE EXAMINATIONS

Civil Service maintains applicant pools (employment lists) based on the results of written tests for a limited number of state jobs. For a current list of Civil Service examinations, refer to the Civil Service website at <http://www.state.mi.us/mdcs>.

Civil Service written examinations are usually given on weekdays at a Civil Service Regional Center. There are three Regional centers located in Detroit, Escanaba, and Lansing. Examinations are given on a regularly scheduled basis as determined by Civil Service or in response to staffing needs. In order to be considered for any particular examination, an applicant may be required to submit a Civil Service application to the Department of Civil Service.

## APPOINTMENTS

Departments are required to conduct non-discriminatory selection processes that are based on job-related criteria, in accordance with Civil Service rules and regulations. Persons appointed or promoted in the classified service must be qualified for the position. All appointments are subject to review and audit by the Department of Civil Service.

## **TYPES OF APPOINTMENTS**

There are three primary appointment types: indefinite (permanent), limited-term, and non-career. An indefinite appointment has no fixed ending date at the time of appointment. Both limited-term and non-career appointments have a specified ending date. A non-career appointment is limited to the equivalent of 90 full-time workdays in a calendar year and the employee receives no annual leave, insurance, or other benefits. Limited-term appointments are expected to last more than the equivalent of 90 full-time workdays, but can be extended or terminated based on the department's needs. An employee in a limited-term appointment receives benefits, but has no layoff or recall rights unless the employee has continuing status from appointment in an indefinite position.

## **EMPLOYMENT TYPES/WORK SCHEDULES**

The Department utilizes three categories of employment types: full-time, intermittent, and part-time. These employment types refer to the following work schedules:

- Full Time -- Forty hours per week
- Intermittent -- Hours vary from zero (0) to forty (40) hours per week and may change with business needs
- Part-Time -- Hours are less than full time with a pre-determined schedule

## **STATUS**

An employee appointed to a position on an indefinite or limited-term basis, who has satisfactorily completed the probationary period, gains Civil Service status. Employees having Civil Service status are eligible to transfer to comparable positions at the same level. If they leave state government in good standing they may, within three years from departure, be reinstated to a position at the former level for which they are qualified. Also, if layoffs occur, an employee with status gained from an appointment to an indefinite position is eligible to have his or her name placed on the recall lists. Status does not guarantee a lifetime position within state government. Continued employment depends on satisfactory performance of job duties, the continuing need for your position, and the availability of adequate funding.

## **VOLUNTARY SEPARATIONS**

If for any reason you intend to resign your position, you should give at least two weeks advance notice to your supervisor, and submit an Employee Departure Report form (CS-301) to the Office of Human Resources to ensure timely processing of necessary paperwork. When an employee terminates employment, the final paycheck will be available on the same day it would normally have been received. Voluntary separations include transfer to other departments, as well as resignation from state employment.

TRANSFER TO ANOTHER DEPARTMENT - An employee who accepts employment with another state agency, must advise their supervisor of the departure, and notify the Office of Human Resources by submitting an Employee Departure Report form (CS-301). There is no interruption in state employment benefits such as insurance, longevity, retirement, and sick leave, or in continuous service hours.

Employees moving into non-exclusively represented or excluded positions have the right to transfer up to eighty (80) hours of accumulated annual leave. Civil Service regulations allow the employee to transfer annual leave in excess of eighty (80) hours, up to the total of the employee's accumulated annual leave, with the approval of the new department. If the movement is to a position covered by a bargaining unit, the amount of accumulated annual leave an employee has the right to transfer varies by bargaining unit. Therefore, refer to the applicable articles of the bargaining unit agreement. You will receive payment for any portion of your accumulated annual leave which cannot be transferred.

## **INVOLUNTARY SEPARATIONS**

The department authorizes an involuntary separation under the following circumstances:

NOT SUITED FOR THE JOB – If it is decided during the initial probationary period that the employee is not suited to the job, the employee will be separated.

FAILURE TO REPORT - The Department can separate an employee who is absent from work without approval or who fails to come back to work after the end of an approved absence. This includes

employees on military leave who do not return within the amount of time required by federal law.

END OF TEMPORARY JOB - When a limited-term or short-term appointment ends, either prior to or on the specified ending date, the employee is automatically separated from the position. This is not considered a layoff.

LAYOFFS AND EMPLOYMENT PREFERENCE - Sometimes there may be budget cuts that result in eliminating positions. There are other times when the work of a unit changes and certain jobs are eliminated as a result. Employees not exclusively represented should refer to Civil Service rules and regulations and the policy section of this handbook for a review of layoff and recall rights. Likewise, bargaining unit employees should refer to their contract regarding layoff and recall rights.

DISMISSALS - Employees may be dismissed for a number of reasons as permitted by Civil Service rules and regulations, and in accordance with department policies and/or collective bargaining contracts.

## **D. STATE ETHICS ACT**

The State Ethics Act (Act 196 of 1973, as last amended by Act 53 of 1984) established a State Board of Ethics and specified its jurisdiction and duties. The Act also prescribes standards of conduct for public officers and employees. The State Ethics Act applies to all employees, classified and unclassified, of the executive branch of state government. It also applies to public officers appointed by the Governor and other executive department officials.

The purpose of the standards set forth in the State Ethics Act and in related Civil Service rules and Department of State policies is to provide employees with a clear understanding of the behavior expected of them in the performance of their public responsibilities. They also give the citizens of Michigan standards by which they may be assured that these responsibilities are being faithfully performed.

Department of State employees must avoid all situations where the opportunity for personal gain could influence their decisions. Even the appearance of improper conduct should be avoided. Public trust imposes upon employees the necessity to pledge themselves to the proper use of staff, property, and funds under their care and to continued economy, efficiency, and impartial service in the performance of their duties.

### **STATE BOARD OF ETHICS**

The State Board of Ethics is a seven-member body comprised of residents of this state who are appointed by the Governor, with the advice and consent of the Senate. The Attorney General and State Personnel Director serve as ex-officio members without the right to vote. The Board reviews matters affecting ethical conduct of public officers and employees, and issues written advisory opinions upon qualified request. The Board also investigates sworn complaints alleging unethical conduct by public officers or employees, and makes written recommendations concerning those cases. They may conduct informal hearings prior to rendering an opinion or report, and an opinion or report of the Board may be utilized as a basis for appropriate administrative action. The Board of Ethics is not empowered to take direct administrative action, but rather acts solely in an advisory and investigatory capacity.

### **STANDARDS OF CONDUCT FOR STATE EMPLOYEES**

The State Ethics Act defines unethical conduct as a violation of one or more of the seven standards set forth in Section 2 of the Act. These standards are summarized as follows:

1. Unauthorized disclosure of confidential information,
2. Representation of personal opinion as that of government agencies,
3. Use of government resources for personal gain or benefit,
4. Solicitation or acceptance of gifts or loans,
5. Use of official position or confidential information for personal profit or financial benefit,

6. Engaging in employment or rendering service that is incompatible with performance of official duties,
7. Participation in regulatory or supervisory functions over a business entity in which the officer or employee has a financial or personal interest.

**SPECIFIC DEPARTMENT OF STATE POLICIES RELATED TO THESE STANDARDS ARE FOUND IN SECTION “F” OF THIS HANDBOOK.**



## **E. EQUAL EMPLOYMENT POLICY AND PRACTICES**

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Department of State will provide equal employment opportunity for all persons regardless of race, religion, color, sex, height, weight, marital status, partisan considerations, national origin, age, genetic information or disability. The department is committed to promoting equal employment opportunity by employing and advancing persons based on merit, ability, and potential for development.

Through various practices and policies, the Department of State affirms that all applicants and employees shall be treated equally in applying for employment, in retaining employment, and in attaining advancements. No retaliation of any form shall be brought against any employee who brings charges of discrimination either to the management of the Department of State, the Department of Civil Service, or the Department of Civil Rights. If questions regarding equal employment opportunity arise, contact the Department's Equal Employment Opportunity Officer, Office of Human Resources.

### **REASONABLE ACCOMMODATION**

The Department of State provides reasonable accommodations in the workplace for employees with qualifying disabilities. Providing a reasonable accommodation is the process of removing or diminishing barriers that interfere with an individual's ability to perform job functions because of disability. Examples of reasonable accommodations include, but are not limited to, evaluation and modification of employment policies and practices which may be inadvertently discriminatory, eliminating architectural barriers at the work site, adjusting job descriptions and/or environmental circumstances that may interfere with full productivity.

An employee must make known his/her need for an accommodation. Employees interested in seeking a reasonable accommodation will be given forms to complete and will need to submit medical documentation. The forms and further information are available on the OHR website or from the Accommodation Coordinator, Office of Human Resources.

## **F. DEPARTMENT POLICIES**

This section contains current department policies. These policies are subject to change at the initiation of the department. You may receive revisions or additions to this section if policies are updated or new policies are implemented.

## CONFLICT OF INTEREST POLICY

The Department of State has the responsibility for regulating business activities in a number of areas such as sales of motor vehicles and driver improvement activities and recording certain credit transactions. Incidental to these activities, the Department collects information that is required to be kept confidential.

Department of State employees have special responsibilities as they relate to the licensing and regulatory functions of our agency. As consumers, employees may also patronize the businesses which the Department regulates, and may know personally some of the people we license. This makes it especially important to insure that personal transactions are not in any way influenced by our official position. It is clearly inappropriate to make any use of our official position in attempting to get a better price, better service, or even to right a perceived wrong that we, or a friend or a relative, may have suffered.

Department of State employees are expected to comply with the following standards regarding potential conflict of interest situations:

1. Departmental personnel shall not use their position to secure any special consideration from persons or businesses the Department regulates.
2. Departmental personnel shall not, directly or indirectly, solicit, accept, or agree to accept any gift, money, goods, loans, or services for benefit under any circumstances which would tend to influence or have the appearance of influencing the manner in which they perform their work, make their decisions, or otherwise perform their duties. A Department of State employee shall not grant or make available to any person any consideration, treatment advantage, or favor beyond that which it is the general practice to grant or make available to the public at large.
3. To avoid any possibility that authority is being exercised inappropriately or capriciously, no one in the Department shall attempt, on their own initiative, to handle a complaint regarding any problem or business that the Department regulates. **All complaints must be routed through the appropriate complaint procedures.**
4. Department personnel shall respect the confidentiality requirements imposed upon the Department by law. In addition, information about the policies, various businesses, special sales, availability of certain products or services shall not be disseminated except as provided by departmental procedures including the Freedom of Information Act and Fair Credit Reporting Act.
5. Department personnel shall not use their knowledge of departmental procedures or policies to advantage themselves in any transaction regulated by the Department for the employee's personal gain or convenience beyond that which is generally available to the public at large.

## DISCLOSURE OF INTEREST REQUIREMENTS

The Civil Service Commission (RULE 2-9) has directed each department to establish and maintain Personal and Financial Interest Disclosure procedures to avoid conflict of interest or other potential situations involving unethical activities on the part of employees. This mandate also requires the disclosure of such interests on the part of the employee's immediate family. A questionnaire must be completed by the employee where it has been determined necessary to disclose financial and personal interests in businesses that the Department regulates. If the employee's position does not require disclosure of personal or financial interests, the employee will not be required to complete the questionnaire.

A violation of this policy is just cause for disciplinary action up to and including dismissal.

## **UNAUTHORIZED USE OF INFORMATION POLICY**

Employees of the Department of State have an ongoing opportunity to access confidential information or records that are only available to the general public on a limited review or purchase basis. Much of the information processed by Department of State employees is confidential, and its release is governed by law; for example, driver record and vehicle ownership information. These laws mandate that personal information will not be disclosed to anyone unless that party is legally entitled to receive the information. Employees must not access or release information contained in the records and files of this department, including digital images or signatures, except in connection with their duties and only to authorized parties in accordance with work area procedures.

If an employee is approached to provide information inappropriately, including digital images and signatures, the employee must refuse to release the requested information and immediately advise supervision.

It is a very serious offense for an employee to access, release, or use for personal purposes, confidential information obtained in the course of employment. A violation of this policy is just cause for disciplinary action up to and including dismissal. In addition, the Department may request criminal charges be filed against the employee, which could result in a felony conviction.

## ACCEPTANCE OF GIFTS, FAVORS, OR FREE SERVICE POLICY

Employees are prohibited from accepting gifts, favors, or free services, regardless of their value, from individuals or an organization with which the Department does or might conduct business.

If an individual or organization offers an employee a gift, whether cash or some other article, it must be politely refused with an explanation that the Department's policy prohibits the acceptance of gifts, favors, or free services. If the individual or organization persists, places money or any gift on the counter or other work or lounge area, or if a gift is received via the mail or other delivery service, the employee's supervisor or his/her designee must be notified immediately.

Departmental employees must not accept loans or make any type of arrangement for personal benefit under any circumstances.

If someone insists on presenting a gift, supervision must take the following action:

1. If the gift is non-perishable (i.e. jewelry, clothing, etc.) the supervisor must recommend to the individual or the organization that the gift be donated to a charitable organization in the name of the Secretary of State.
2. If the gift is perishable (i.e. fruit, nuts, baked goods, candy, flowers, etc.) the supervisor must recommend to the individual or the organization that the gift be donated to a nursing home, hospice, or similar organization in the name of the Secretary of State.
3. If the individual or organization will not take back the gift or leaves it and walks away, or if the gift is received through the mail, the supervisor must donate the gift to a charitable organization as outlined above. When the name and address of the individual or organization is known, a thank you note must be sent identifying the organization that received the gift.
4. The supervisor should send a memorandum to his/her supervisor within twenty-four hours explaining the circumstances under which the gift was offered. The memorandum should also include the name of the individual or organization that left the gift and the charitable organization receiving the gift.
5. If an individual leaves cash and walks away, the supervisor must attempt to contact the individual or organization and return the money. If the supervisor is unsuccessful in his/her attempts to return the money, the supervisor should follow the following procedures:
  - a. If the incident occurred in a branch office, the supervisor includes the money with the office end-of-day deposit and notes the receipt of the money on the report.
  - b. If a cash gift is left any place other than a branch office, the supervisor contacts the Finance Division for instructions.

A violation of this policy is just cause for disciplinary action up to and including dismissal.

## **BRIBES POLICY**

The Department of State, by law, has the responsibility for regulating activities in a number of areas such as sales of motor vehicles, licensing of auto repair facilities, issuing driver licenses, taking sanctions against license holders, and recording certain credit transactions. Due to the nature of our work, a customer may offer a bribe to an employee in order to improperly influence the service provided. Department employees are prohibited from accepting bribes or making any type of arrangement for personal benefit in exchange for services. If an individual solicits an employee with a bribe, whether cash or some other article, it must be firmly refused.

### **REPORTING REQUIREMENTS**

Immediately after an attempted bribe, the employee must notify his/her supervisor and provide a detailed statement regarding the incident. The supervisor must promptly inform the Employee Relations Section, Office of Human Resources, regarding the inappropriate behavior.

The Employee Relations Section will investigate the situation and will coordinate contacts with law enforcement agencies, if appropriate.

A violation of this policy is just cause for disciplinary action up to and including dismissal.

## DISCRIMINATORY HARASSMENT POLICY

The Department of State prohibits the discriminatory harassment of employees in any form. Through this policy, the Department affirms its commitment to creating a work environment for all employees that is free from discriminatory harassment.

The Civil Service Commission Rules prohibit discriminatory harassment within the state classified service. Section 9 of the Rules defines Discriminatory Harassment as follows:

**Discriminatory harassment** means unwelcome advances, requests for favors, and other verbal or physical conduct or communication based on religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability, or genetic information under any of the following conditions:

- a. Submission to the conduct or communication is made a term or condition, either explicitly or implicitly, to obtain employment.
- b. Submission to or rejection of the conduct or communication by a person is used as a factor in decisions affecting the person's employment.
- c. The conduct or communication has the purpose or effect of substantially interfering with a person's employment or creating an intimidating, hostile, or offensive employment environment.

Examples of types of behavior that constitute discriminatory harassment include, but are not limited to:

- Unwelcome or unwanted sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual.
- Repeated verbal or written abuse or kidding that is considered unacceptable by another individual. This includes comments, printed materials, or actions that offend a person regarding religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations, disability, or genetic information.
- Comments, requests, or demands by a supervisor that imply or state a promise of preferential treatment or negative consequences concerning employment status and/or working conditions based on a person's religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations, disability, or genetic information.



## REPORTING REQUIREMENTS

It is the responsibility of every employee to report violations or suspected violations of this policy. Employees are required to report to the OHR Discriminatory Harassment Investigator, any incident in which the employee is subjected to unwanted discriminatory harassment, or witnesses the discriminatory harassment of another person.

A Discriminatory Harassment Report form is to be used to submit a written report of any harassment. The employee is encouraged to report any discriminatory harassment immediately, but is required to submit a report within 180 calendar days of the alleged harassment. If a report is filed with an employee's immediate supervisor, the supervisor is then responsible for promptly informing the OHR Discriminatory Harassment Investigator of the inappropriate behavior.

All reported incidents will be investigated. Where possible, the identity of an employee filing a report of discriminatory harassment will be protected while the situation is being investigated. If the report is substantiated, confidentiality may no longer be possible.

Although employees are obligated to report discriminatory harassment as described in this policy, the employee may also file a grievance regarding the harassment as authorized under the Civil Service grievance regulations or the applicable collective bargaining agreement.

A violation of this policy is just cause for disciplinary action up to and including dismissal.

## DRIVER POLICY

Department of State employees who operate a vehicle while on the job must have a valid driver license. Any conviction or civil infraction determination occurring while in work status, based on not having a valid driver license, will result in disciplinary action. Employees who drive as a job responsibility or as a job requirement will be removed from their position if their license is revoked or suspended.

Employees of the Department who administer driver license laws are held to a higher driving standard than other employees of the State of Michigan. For these employees the standards are:

1. Employees who counsel drivers, initiate negative actions to another's driving privilege, or conduct reviews concerning negative actions to another's driving privilege must maintain an acceptable driving record. Employees in these positions will be removed from their position for any of the following reasons:
  - Denial, revocation, revocation/denial, or suspension of driver's license
  - Twelve or more active points
  - A violation or attempted violation of Operating Under the Influence of Liquor/Unlawful Bodily Alcohol Content/Operating Under the Influence of Drugs, Operating While Impaired, Operating While Under the Influence or Impaired by Drugs or Alcohol Causing a Death or Serious Injury, Child Endangerment, or Operating a Commercial Motor Vehicle with a .04 BAC or more
2. Bureau of Branch Office Services employees and managers who are involved in the licensing of drivers must maintain a valid Michigan driver license. Employees whose driving privileges are suspended or revoked will be subject to disciplinary action up to and including suspension, demotion, or removal from licensing activities. The department may consider an employee's willingness to participate in driver safety courses when determining the degree of discipline for the first offense.

As used in this policy, *removal from a position* normally means dismissal; however, the Department may consider suspension and/or demotion if an appropriate placement in a vacant position can be identified. Disciplinary action less than dismissal may also depend on the length and quality of the employee's service.

Employees who are required to meet the standards outlined in this policy or who drive as a job responsibility and who lose their driving privilege for a reason that can be immediately resolved (such as a FAC/FCJ suspension) will be allowed *one business day* to have their driving privileges restored.

The Office of Human Resources routinely receives notification of any activity posted to an employee's Master Driver Record. When a record is received indicating any of the violations listed above, OHR will inform appropriate management staff for follow up and corrective action.

## WORKPLACE SAFETY POLICY

### STATEMENT OF POLICY

It is the Department of State's policy to promote a safe environment for its employees, and to implement procedures to address the wide variety of workplace safety issues. The Department is committed to working with employees to maintain a work environment free from acts of violence and threats of violence.

An act of violence or a threat of violence in the workplace is prohibited. Employees shall not sabotage or cause malicious destruction or damage to state property, resources, work products, electronic files, or the property of another employee or a member of the general public.

Except as permitted by Civil Service Rules, an employee shall not carry or possess a firearm or explosive at a state workplace or during actual-duty time. A constitutional or statutory provision that otherwise authorizes an employee to carry or possess a firearm or explosive does not authorize the carrying or possessing of the firearm or explosive during actual duty time or at a state workplace.

### DEFINITIONS

For purposes of this policy, the following definitions apply:

**Act of violence** means any intentional, reckless, or grossly negligent act that would reasonably be expected to cause physical injury or death to another person.

**Threat of violence** means any intentional communication or other act that threatens an act of violence and would cause a reasonable person to feel terrorized, threatened, or fear physical injury or death to oneself or another person. Any threat of violence, whether verbal, written, visual, or by gesture, will be presumed to be an expression of intent to do harm to another person.

**Workplace** means an office or building owned or leased by the state in which employees are assigned or work. It includes any state-owned or leased common grounds or parking areas used by employees assigned to or working in the office or building.

**Explosive** means any bomb, grenade missile, or other dangerous device designed to expand suddenly and release internal energy resulting in an explosion.

**Firearm** means a weapon from which a dangerous projectile may be expelled by an explosive, gas, or air.

## REPORTING REQUIREMENTS

An employee who observes or learns of an imminent risk of serious physical injury or death due to (1) an act of violence or a threat of violence in the workplace, or (2) the carrying or possession of a firearm or explosive at a state workplace or during actual-duty time must immediately take the following actions:

- Take measures to ensure his or her personal safety
- Report the matter to law enforcement, if appropriate
- Notify any available supervisor of the incident

An employee who has been subjected to an act of violence or threat of violence in the workplace is obligated to report the incident to their supervisor or to the manager of the Employee Relations Section, Office of Human Resources.

Non-imminent threats of violence shall be reported to the employee's supervisor. If the employee's supervisor is the individual making the threat, the employee shall report the incident to the manager of the Employee Relations Section, Office of Human Resources.

A supervisor or manager who observes or learns of (1) an act or threat of violence by or to an employee or (2) the unauthorized carrying or possession of a firearm or explosive at a state workplace or during actual-duty time is obligated to take prompt and appropriate remedial action to protect the safety of individuals, and to report the observation or information to the manager of the Employee Relations Section, Office of Human Resources.

All reports of an act of violence or a threat of violence in the workplace will be investigated and appropriately addressed. The manager of the Employee Relations Section, Office of Human Resources, when receiving a credible report of a violent act or threat of violence shall initiate an appropriate response to protect individuals in the workplace.

An employee who receives a protective order or restraining order, which lists state-owned or leased premises as a protected area, must provide a copy of the order to the manager of the Employee Relations Section, Office of Human Resources.

## VIOLATIONS OF THIS POLICY

A violation of this policy is just cause for disciplinary action up to and including discharge.

## **SMOKING POLICY**

Department of State employees are prohibited from smoking in all work locations. Employees are also prohibited from smoking in any state-owned or leased vehicle, temporarily or permanently assigned to an employee of the Department of State, or in any privately owned vehicle, while in travel status on departmental business, when other state employees are in the vehicle.

Smoking by employees is also prohibited within 50 feet of all entrances of any Department of State facility.

Employees located in buildings operated by the Department of Management and Budget (DMB) are prohibited from smoking on or near the premises in accordance with the policy of the Department of Management and Budget. In those circumstances, applicable DMB restrictions shall be enforced.

### **ENFORCEMENT**

The top-level supervisor(s) assigned to a facility is responsible for the administration of this policy for employees under their organizational jurisdiction. In addition, visitors and/or clientele to departmental facilities who violate this policy shall be courteously informed of the policy and asked to extinguish smoking material.

### **COMPLAINT PROCEDURE**

Complaints of violations of this policy are to be reported to the top-level supervisor in the facility, or the Employee Relations Section, Office of Human Resources.

### **PENALTIES**

If an employee is found to be in violation of this policy, the first offense shall be considered a Type Three offense as described in this handbook. Penalties for the first and subsequent violations are also outlined in this handbook.

## **DRUG-FREE WORKPLACE POLICY**

The Michigan Department of State forbids the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in the workplace.

An employee who violates this prohibition is subject to disciplinary measures up to and including dismissal. The employee may also be required to participate satisfactorily in a drug abuse assistance or rehabilitation program.

As a condition of employment, every employee must:

- Abide by this prohibition.
- Notify his/her supervisor within five days of any criminal drug statute conviction for a violation occurring in the workplace.

## **SAFETY BELT USE POLICY**

All occupants of a motor vehicle being used on state business must properly utilize the complete occupant restraint system provided and comply with laws in effect regarding safety belt use. Employees must also ensure compliance by non-employees when in a vehicle used for conducting business with the Department of State.

Safety belts are required in passenger vehicles, light-duty vans, and pickup trucks with a model year of 1968 or newer and are required in trucks and truck tractors with a model year of 1966 or newer. If a vehicle manufactured prior to these dates is used, and it has safety belts, they must be used. Safety belts are not required for motorcycles and mopeds nor are they required for passengers riding in a taxi or bus.

Each occupant of a motor vehicle being used on state business is individually responsible for compliance. No motor vehicle shall be used for state business if that vehicle's occupant restraint system has been disconnected, altered, or otherwise made inoperable.

A violation of this policy constitutes a Type Three offense and is subject to the penalties relating to that offense.



## STATE CAR USE POLICY

1. It is the policy of the Department of State to make a state-owned car available to employees who must travel extensively as a part of their duties.
2. Employees may not use a state-owned car for personal business.
3. Effectively, no employee may use a state-owned vehicle for travel between their home and their workstation. But in **NO** case can an employee use the state-owned car for the purpose of travel between the employee's home and workstation unless he/she has prior **WRITTEN** authorization.
4. Written authorization for travel between an employee's home and workstation must be obtained for each individual occasion of such travel. In no case can this authorization extend for more than a single day.
5. Written authorization can only be made by the Director of the Finance Division.
6. On those rare occasions when authorization for travel between home and workstation is given, the Daily Travel Log must reflect the fact of this travel as well as the mileage for this travel. It cannot be reported as vicinity mileage. A separate, clearly distinguishable entry must be made to report this since the Travel Log must be an accurate record of the travel.
7. State-owned cars must be parked overnight, weekends, and holidays at the official workstation assigned by the Department except where specific **WRITTEN** authority for an exception has been given.
8. A violation of this policy is just cause for disciplinary action up to and including dismissal.

## SELECTION POLICY

It is the policy of the Department of State to provide fair and equitable consideration of interested applicants when filling vacant positions, in accordance with Civil Service rules and regulations and bargaining unit contracts. This selection policy shall be followed when a competitive process is appropriate for recruitment, selection, and appointment of a candidate to any department position. For contract-covered positions, applicable provisions of collective bargaining agreements will be followed prior to using the standards listed below.

The following standards will be used to ensure consistent, job-related, and equitable selection processes:

1. Applicants will not be discriminated against on the basis of religion, race, color, national origin, age, sex, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to a person's ability to perform the duties of a particular job or position.
2. Department of State employees will be notified of current job opportunities by means of weekly vacancy notices on the Office of Human Resources' (OHR) internal web site, and through other means of notification when useful and appropriate. Vacancies will be announced each Monday, unless Monday is a holiday; then vacancies will be announced on the next regular workday.
3. Employees interested in being considered for a vacant position must respond in accordance with response procedures listed on the vacancy notice. Unless otherwise indicated on the notice, employees will have seven calendar days to respond.
4. OHR, in cooperation with management, may utilize other recruitment methods to identify additional candidates. Appropriate recruitment methods include, but are not limited to, electronic postings on the Civil Service or other World Wide Web sites; Civil Service applicant pools; the Civil Service resume service; newspaper, magazine, or radio advertisements; career fairs; notices to community service organizations; or other reputable referral methods. Alternative recruitment notifications to applicants outside the department will typically allow fourteen days for response.
5. Recruitment processes shall encourage consideration of a diverse applicant pool consistent with Civil Service rules.
6. Vacancy notices will contain the following information about the position:
  - Civil Service classification title and level;
  - Pay range or pay rate of the position;
  - Job location;
  - Employment type;
  - Brief description of job duties and working conditions;
  - Minimum qualifications for the position, including any special requirements.

7. A variety of selection methods may be used to evaluate the suitability of applicants for a position. Acceptable methods include, but are not limited to, review of applicant education and experience; writing samples; job simulations and other job-related exercises; interviews; performance evaluations from current and prior jobs; criminal record and driver license checks; and reference information.
8. Any selection methods used for a specific job vacancy must utilize job-related criteria and be directly related to job functions that are identified in the position description or class specification of the vacant position.
9. When evaluating applicants for a vacancy, the same or substantially similar selection methods and criteria will be used to the extent practical. Selection methods used to reduce an applicant pool must be consistently applied to all applicants at each screening step.
10. In accordance with Civil Service Rule 2-7, Drug and Alcohol Testing, applicants new to the state classified service are required to submit to and pass a pre-employment drug screening. A conditional offer of employment may be extended subject to the applicant successfully completing the drug screening.
11. If interviews are conducted, a diverse interview panel will be used if practical.
12. Procedures for conducting selection processes shall be maintained by OHR. These procedures will outline the chronological steps included in a selection process, and describe OHR's and the hiring unit's responsibilities to ensure that sound personnel practices are followed, and all necessary approvals are obtained. These procedures will be updated as circumstances change, and will be available from OHR upon request.
13. A selection file documenting each selection process will be maintained for three years from the date notices are sent to candidates notifying them of the outcome of the selection process. The file shall be the joint responsibility of OHR and the hiring unit. The selection process documentation shall include:
  - An approved position description, and documentation of any special requirements, such as selective certification;
  - The methods used to notify applicants of the vacancy;
  - Selection methods used to screen and evaluate applicant credentials;
  - Interview questions, interview panel documentation, and completed final rating forms, if interviews are conducted as part of the selection process;
  - Evaluation criteria and results of any other selection methods used;
  - Applicant resumes and application materials;
  - An evaluation of the selected candidate compared to the selection criteria;
  - Documentation that the selected candidate meets minimum and special requirements of the position;
  - Documentation of approved appointment, if applicable;

- Documentation that all candidates who were contacted and responded as interested in the position were notified of the outcome of the selection.

#### POLICY EXCEPTIONS

The following examples are representative of situations where a competitive selection process will not typically occur:

- Positions are filled through recall, demotion, or reclassification.
- Changes in work processes necessitate realignment of staff to prevent reduction-in-force.
- The current incumbent of the position is performing all, or a significant portion, of the job duties of the vacant position and Civil Service regulations prohibit reclassification of the incumbent.
- A job change is made at the employee's same level or to a lower level.
- The appointment is for a temporary assignment.
- The appointment is the direct result of a settlement, court order, hearing decision, reasonable accommodation or Return to Work Program.

## **EMPLOYMENT PREFERENCE PLAN FOR NON-EXCLUSIVELY REPRESENTED AND EXCLUDED EMPLOYEES**

### **INTRODUCTION**

When a reduction in the work force is necessary, it is the responsibility of management to schedule employee layoffs on the basis of position priorities.

For employees affected by a reduction in the work force, the Department will apply procedures for making layoffs in accordance with the rules of the Civil Service Commission, Section 2-4 and 2-5, and the terms described in this Employment Preference Plan. As authorized under Section 2-5.1 (d), the Department has promulgated this Employment Preference Plan to modify the application of county preference and allow the application of employment preference by an employee:

- A. First, at the employee's class and level within a geographic area by county or counties of the employee's choosing (application of employment preference step A), and
- B. If no step A application of employment preference is available, by county at the same class at current or lower level or different class at the current or lower level (application of employment preference step B), and
- C. If an application of employment preference is not available at steps A or B, as described above, at the employee's option, the employee may elect to exercise employment preference at their class and level statewide or at the same class at a lower level or different class at the current or lower level statewide.

The following represents the Employment Preference Plan for excluded and non-exclusively represented employees of the Department of State.

### **GENERAL INFORMATION**

1. The Employment Preference Plan is designed to provide the greatest opportunity for a more senior affected employee to maintain employment at their current class and level in the event a reduction in force is necessary. Toward this goal, the Department has adopted a plan that first provides for an application of employment preference, at class and level, within an employee-defined geographic area.
2. Employees shall have the right to declare a personalized geographic area in which they will apply employment preference in accordance with the procedure (step A) described in the *Application of Employment Preference* section of this policy. This geographic area may consist of a single county or a grouping of counties. At step A, employees having no declared personalized geographic area shall only apply employment preference within their current county of employment.
3. As an optional step in the application of employment preference, employees shall also have the right to elect statewide bumping at the same class and level (step C), or if unavailable, at the same class at a lower level or at a different class at the current or lower level (step D).

Employees must clearly designate either or both statewide steps to be eligible to exercise steps C and D of the sequence described in the *Application of Employment Preference* section. Where there is no designation for a statewide step, the employee shall exercise steps A, B, E, and F.

4. Employees may elect or may change their election of a statewide bumping step or elect or make changes to their personalized geographic area at any time, provided written notice of change is received by the Office of Human Resources on the approved employment preference form. Election of or changes in the statewide step(s) or geographic area will be effective upon receipt of the form by the Office of Human Resources.
5. In order to establish a fixed framework in planning for an application of employment preference, individual employee personalized geographic areas or elected optional steps will be based upon information on file as of 30 calendar days prior to the issuance of notice of a reduction in force.
6. In the application of employment preference, an employee who becomes eligible to exercise an employment preference option shall exercise that option or accept layoff.
7. The employment preference chain, once constructed, will remain in its original format. Vacancies created by employees electing layoff will be filled through Civil Service selection/recall procedures.
8. In the application of employment preference, affected employees, within the appropriate step, shall displace the least senior position. The least senior position is a vacancy the Department intends to fill; or, lacking any vacancy, the position occupied by the person having the lowest amount of total, continuous state service.
9. Whenever an employee is offered an application of employment preference "at the same class at a lower level or different class at the current or lower level," the application offered shall minimize loss of pay.

#### APPLICATION OF EMPLOYMENT PREFERENCE

When the position of an employee is abolished, or a more senior employee displaces the employee through the application of employment preference, the affected employee shall apply employment preference, if qualified, in the following sequence:

- A. In a declared geographic area at the same class and level.
- B. If A is unavailable, within their county of employment, the affected employee shall apply employment preference at the same class at the current or lower level or at a different class at the current or lower level.
- C. If B is unavailable and the employee has pre-designated this statewide option, the affected employee shall apply employment preference statewide at the same class and level.
- D. If C is unavailable and the employee has pre-designated this statewide option, the affected employee shall apply employment preference statewide at the same class at a lower level or different class at the current or lower level.

- E. If neither A or B is available and if, where elected, the affected employee is not able to apply employment preference statewide, the affected employee shall exercise any appropriate contractual bumping rights.
- F. If none of the above steps are available the affected employee shall be laid off.

#### EMPLOYMENT PREFERENCE DECLARATION SHEET

All non-exclusively represented and excluded employees must be aware that if they desire the option of bumping beyond the county, they must fill out the Employment Preference Declaration Sheet and submit it to the Office of Human Resources. The Office of Human Resources will sign and return a copy to the employee that should be retained with other important documents.

## **EMPLOYMENT OF RELATIVES POLICY**

The Department of State does not prohibit the employment of close relatives (members of an immediate family). At the same time, employment of multiple family members may present the appearance of limiting access to employment opportunities or inappropriate family influence in the employment process. Therefore, this policy describes acceptable employment relationships and/or improper roles of members of an immediate family in the hiring process.

The department will not knowingly employ members of an immediate family in the same work unit. Similarly, the department will not employ a member of an immediate family to supervise or to be a second line supervisor of another member of the same immediate family.

On those occasions when the department hires an immediate family member of a person already employed by the Department of State, it is critical that the new hire secure the position without the influence (or the appearance of influence) of the family member already employed by the department. Under no circumstances should an employee be on an interview panel that interviews an immediate family member, nor should an employee, in the course of their duties, approve the employment of a member of his/her immediate family. It is also inappropriate for an employee to attempt to influence a hiring official to select an immediate family member.

Immediate family includes spouse; children; parents or foster parents; parents-in-law; grandparents; brothers; sisters; brothers or sisters-in-law and any person(s) for whose financial and physical care an employee is principally responsible. Work unit is described as all employees reporting to a single supervisor.



## **TECHNOLOGY RESOURCES ACCEPTABLE USE POLICY**

The Department of Management and Budget has established standards for the use of the state data communication network and all resources connected to that network, such as the Internet and e-mail.

These standards apply to all employees using the state network system. The Department of State issues this policy, in conformance with Department of Management and Budget procedures, to emphasize our commitment to the appropriate and work-related use of technology resources.

The Department of State provides technology resources to support the achievement of the Department's mission and goals. Technology resources are to be used to facilitate the administration of the agency and to assist employees in the performance of assigned job duties, including collaboration and exchange of information. These resources also provide public access to public information.

For the purposes of this policy, technology resources include equipment (microcomputers and other hardware), applications (software), and e-mail, facsimile, networking services, Internet, Intranet and future technologies as implemented. The State of Michigan and Department of State reserve the right to monitor the use of technology resources, with or without notice, and, therefore, users shall have no expectation of privacy.

Employees of the Department are expected to utilize department-provided technology resources in a responsible manner and not engage in improper use of the resources. Improper use of technology resources includes, but is not limited to:

- Use for illegal activity
- Use for commercial activities or for personal profit or gain
- Use to view, receive, or transmit sexually explicit or racially or ethnically offensive material
- Use for religious or political solicitation
- Failure to adhere to security procedures
- Unnecessary or excessive use of resources
- Accessing or sharing confidential information without authorization

An employee who violates this policy, or any supplemental guidelines or procedures issued in support of this policy, is subject to disciplinary action up to and including dismissal.

## **G. PERFORMANCE EVALUATIONS**

In accordance with Civil Service Rule 2-3, the Department conducts regular performance evaluations for all classified employees to evaluate and report employee performance and behavior. These evaluations are based on a range of competencies and objectives identified at the beginning of the rating period. Competencies are the abilities, skills, knowledge, and motivations necessary for successful job performance. Additional specific objectives may be identified for completion during a rating period.

There are four types of performance ratings in the performance rating system:

### **PROBATIONARY RATINGS**

A probationary period serves as an "on-the-job" test period that is required whenever an employee is hired, promoted, or transfers to a different classification in a different department. At management's discretion, a probationary period may be required for internal transfers to a different classification. The minimum length of this probationary period is 12 calendar months of service for full-time employees, and 18 calendar months for less than full-time employees.

A newly hired employee must serve an initial probationary period. A minimum of three performance evaluations is required during this rating period. For full-time employees, the supervisor completes a performance rating at the end of 3 months, 6 months, and 12 months. For less than full-time employees, the supervisor completes a performance rating at the end of 3 months, 9 months, and 18 months. Upon successful completion of the initial probationary period, the employee is granted Civil Service status.

Probationary performance ratings serve as a guide to how well the employee is learning the job responsibilities and meeting performance expectations. Probationary employees will receive overall ratings of satisfactory or unsatisfactory for the rating period. Probationary service ratings become a permanent part of the employee's departmental employment record.

An employee who receives an unsatisfactory probationary rating is ineligible for a salary step increase, performance-pay award, or reclassification until a later satisfactory rating is issued. These actions cannot be made retroactive to a date preceding the satisfactory rating.

To pass the probationary period, the employee must receive a satisfactory final rating. Employees who receive an unsatisfactory final rating will be dismissed or demoted. A probationary employee may have a review of a dismissal through a grievance procedure; however, employees without Civil Service status may only appeal a dismissal within the department grievance process unless the probationary employee alleges that the action violated Civil Service Rule 1-8, *Prohibited Discrimination*, or Civil Service Rule 2-10, *Whistleblower Protection*.

### **ANNUAL RATINGS**

Supervisors are required to rate the performance of each non-probationary employee at least once per year. These ratings are based on competencies and objectives identified at the beginning of the rating period and assess how well the employee is meeting performance expectations.

Progress reviews may be conducted during the course of the annual evaluation period. At the completion of the rating period, a written evaluation is provided to the employee.

For annual ratings, an employee may receive an overall Satisfactory rating, or a Needs Improvement rating. If the employee is given a Needs Improvement rating and the employee is not already under corrective action, the supervisor must establish a Performance Improvement Plan to monitor the employee's performance or behavior. A new performance rating is issued at the completion of the time frame established in the Performance Improvement Plan. If the employee performance or behavior continues to be less than satisfactory, an interim rating may be issued.

Annual ratings of Needs Improvement are not discipline and generally may not be grieved. Employees covered by the UAW Contract can grieve a Needs Improvement rating if it would result in the delay of a patterned level change and/or a step increase. An overall annual rating of Needs Improvement can be reviewed through the departmental review process described below. An employee will receive any general salary increases and applicable salary step increases, but is not eligible for reclassification while under a Needs Improvement rating.

Employees in the Senior Executive Service, Group 4 employees, and certain other classifications approved by Civil Service participate in performance-pay evaluation systems. Under these systems, the employee's eligibility for merit-based salary increases is based on the annual performance evaluation.

### **Department Review Process for Needs Improvement Rating**

An employee who disagrees with an annual rating of Needs Improvement may submit a statement to the Office of Human Resources taking exception to the rating. This statement will be attached to the Needs Improvement rating and filed in the employee's Personnel file.

An employee may also request a review of a Needs Improvement Rating by filing a *Request for Review of Annual Performance Rating* form with the Office of Human Resources no later than 28 days after the rating was issued. OHR staff will review the employee's statement, the Needs Improvement rating, and other documentation on file in OHR or submitted by the requestor. The reviewer may gather additional information from the employee or work area, if necessary. The employee and supervisor will be notified in writing of the results of the review.

### **INTERIM RATINGS**

An interim rating may be issued at any time to provide notice to the employee that he/she is not performing satisfactorily. An interim rating addresses specific performance or behavior problems, identifies specific expectations for improvement, and establishes a time frame for improvement to occur during a follow-up rating period. An unsatisfactory interim rating is typically preceded by counseling, reprimands, or other forms of corrective action regarding the employee's performance or behavior.

If an interim rating is issued, but the employee is not dismissed, a follow-up rating period must be established and the employee's performance again evaluated at the completion of the rating

period.

An employee under an unsatisfactory rating is ineligible for a salary step increase, performance-pay award, or reclassification until a later satisfactory rating is issued. Interim ratings are discipline, and may be grieved in accordance with applicable rules and contract provisions.

#### FOLLOW-UP RATINGS

At the conclusion of a follow-up rating period, a performance rating must be issued that rates the employee's overall performance as either satisfactory or unsatisfactory. Follow-up unsatisfactory ratings are discipline, and may be grieved in accordance with applicable rules and contract provisions.

The table on the following page summarizes the four types of performance ratings and the conditions that apply to each of them.

## Summary of Performance Ratings

	<b>Probationary Rating</b>	<b>Annual Rating</b>	<b>Interim Rating</b>	<b>Follow-up Rating</b>
Categories for Overall Ratings	<i>Satisfactory</i> (1) <i>Unsatisfactory</i>	<i>Satisfactory</i> (1) <i>Needs Improvement</i>	<i>Unsatisfactory</i>	<i>Satisfactory</i> (1) <i>Unsatisfactory</i>
Employees who are eligible to be rated.	Probationary	Non-probationary	All	All
When must rating be given?	Full-time: At <b>6 &amp; 12</b> months  Less than Full-time: At <b>9 &amp; 18</b> months  + at <b>3</b> months for new hire	Anytime, but at least annually  [Not required if employee is on interim or <i>unsatisfactory</i> follow-up rating]	Anytime	At end of follow-up rating period
Is an <i>Unsatisfactory</i> Rating: <b>Discipline?</b> <b>Grievable?</b> <b>Appealable to Civil Service?</b>	Yes Yes Not Usually (2)	--	Yes Yes Yes (3)	Yes Yes Yes (3)
Is a <i>Needs Improvement</i> Rating: <b>Discipline?</b> <b>Grievable?</b> <b>Appealable to Civil Service?</b>	--	No Not Usually (4) No	--	--
If rated <i>Unsatisfactory</i> or <i>Needs Improvement</i> , is the employee eligible for a: <b>Step increase?</b> <b>Performance-pay award?</b> <b>Reclassification?</b>	No No No	Yes No No	No No No	No No No

(1) Satisfactory ratings titles may vary depending on the rating form or system used. Examples include ratings of "Satisfactory", "Meets Expectations", "Exceeds Expectations", "Fully Competent", "Highly Competent" and "High Performing."

(2) Generally, a probationary employee without status cannot appeal a performance rating or discipline to Civil Service. A probationary employee with status can appeal an unsatisfactory rating or a demotion to Civil Service, under the "rational basis" standard. A probationary employee, with or without status, may appeal a tangible adverse employment action on the grounds that the action violated Civil Service Rule 1-8, Prohibited Discrimination, or Rule 2-10, Whistleblower Protection.

(3) Applies to Non-probationary employees only. Probationary employees see footnote 2.

(4) Employees covered by the UAW Contract may grieve a Needs Improvement rating if it will result in the delay of a patterned level change and/or a step increase.

## **H. COUNSELING**

The intent of counseling is to inform and instruct employees regarding performance requirements and/or conduct. Counseling is not a punitive/disciplinary action, nor a prerequisite for disciplinary action. When performance or behavior indicates a possible problem, it may be considered necessary to counsel an employee in an effort to improve performance and avoid the need for disciplinary measures.

### **INFORMAL COUNSELING**

When a supervisor becomes aware of work performance that needs improvement, or the possibility of improper or unacceptable behavior on the part of an employee, the supervisor may meet with the employee to discuss the situation and possible ramifications. This type of meeting is not recorded and will not be referenced if subsequent counseling and disciplinary measures are undertaken.

### **FORMAL COUNSELING**

When it is necessary to carry out formal counseling, a meeting is conducted with the employee by supervision. Formal counseling may include a review of applicable standards and policies, a time period for correction, and list the required improvements. A written record of the counseling will be prepared, with a copy given to the employee and a copy kept in the employee's personnel file.

The following actions may prompt counseling. The list is not intended to be all-inclusive, but rather provides examples of the types of behavior that may result in informal or formal counseling.

1. Absenteeism
2. Tardiness
3. Inability to maintain compatible working relations with co-workers
4. Failure to commence work at the beginning of the duty period
5. Horseplay or mischievous conduct
6. Failure to maintain personal cleanliness and good personal appearance

### **COLLECTIVE BARGAINING PROVISIONS**

All collective bargaining agreements contain provisions regarding non-disciplinary counseling. Employees covered by a bargaining unit contract should refer to the specific contract for applicable provisions and specific procedures.

## **I. DISCIPLINARY ACTION**

Management may reprimand, suspend, dismiss, or take other appropriate disciplinary or corrective action against an employee for "just cause." Discipline will normally be progressive in nature. However, any penalty, up to and including dismissal, can be invoked when appropriate to the seriousness of the situation.

According to Civil Service Rule 2-6, just cause includes, but is not limited to the following:

1. Failure to carry out the duties and obligations imposed by the employer, a departmental work rule, or law, including Civil Service rules and regulations;
2. Conduct unbecoming a state employee;
3. Unsatisfactory service or performance.

Types of discipline include, but are not limited to the following:

1. An unsatisfactory probationary, interim or follow-up performance rating;
2. A written reprimand;
3. Reduction in pay;
4. Suspension without pay;
5. Demotion;
6. Dismissal from the classified service.

## **ACTIVITIES THAT MAY RESULT IN DISCIPLINARY ACTION**

No list can contain all of the behaviors and performance issues that may prompt disciplinary action. The lists contained in this section are intended to provide an understanding of the response the Department anticipates taking for these and similar offenses. In some circumstances, a lateral transfer or demotion may be taken rather than separation. Repeated offenses and other aggravating situations or conditions can lead to a more severe disciplinary action than is shown here. An employee's service record and other relevant aspects of behavior and attitude may also affect the level of disciplinary action.

## **DISCIPLINARY GUIDE --TYPES OF OFFENSES**

TYPE ONE -- The following types of offenses may subject an employee to immediate discharge.

1. Defrauding or stealing from a co-worker, the public or the state.
2. Falsification of licensing or registration documents or falsification of reports or

documents involving an attempt to defraud.

3. Malicious destruction or damage to state property or the property of a co-worker or customer.
4. Supervisor's invasion of subordinate's personal space. Invasion of personal space includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual.
5. Aggressive, unwanted sexual pursuit by the supervisory employee.
6. Illegal gambling on state property or on the job.
7. Dealing in drugs.
8. Conviction of a felony.
9. While on the employer's premises or during normal work hours, assault or attempted assault upon a supervisor, other employee, or a member of the public or initiation of a physical fight.
10. Any unlawful conduct on or off the premises, during duty hours or off duty hours, that could reflect on the integrity, reputation, or image of the Department of State.
11. Hindering or interfering with any authorized investigation by the Department or other lawful agency.
12. Wanton or willful neglect in the performance of duties and/or responsibilities.
13. Unauthorized possession of firearms, explosives or other dangerous weapons on state property.
14. Violation of Department and/or Civil Service rules, regulations, or policies prescribing dismissal.
15. Unauthorized absence of three consecutive workdays without good cause.
16. Possession, consumption, or being under the influence of narcotics or intoxicants while on duty.
17. Accepting bribes, gifts, favors, or free service.
18. Misuses of driver and vehicle terminals, technology resources, Department records, or conflict of interest violations.
19. Engaging in retaliation against an employee who files a complaint [whistle blower].
20. Violation of the Department's conflict of interest policy.
21. Making threats of death or personal harm to any person in the context of employment with the Department.
22. Intentional misrepresentation of wages for the purpose of collecting underemployment benefits.
23. An unsatisfactory probationary, interim, or follow-up performance rating.



**Note:** All appeals of dismissals are to be filed directly with the Employee Relations Section, Office of Human Resources.

TYPE TWO -- Any of the following types of violations may subject an employee to a suspension and/or an unsatisfactory interim performance rating for the first offense. A repeat offense within two years becomes a Type One violation and may be cause for discharge.

1. Falsifying general information reports.
2. Leaving the premises during working hours without permission of your supervisor.
3. Sleeping during duty hours.
4. The use of abusive, obscene, racially offensive, or threatening language to another employee, supervisor, administrative personnel, or the general public.
5. Aggressive, unwanted sexual pursuit of one co-worker to another co-worker.
6. Any invasion of personal space other than that described under Type One #4. Invasion of personal space includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by another individual.
7. Obscene gestures or improper advances toward other employees or the public.
8. Failure to report work-related accidents in which injury or property damage occurred.
9. Failure to report known violations of policies or work rules.
10. Unauthorized or careless use of state equipment or property.
11. Making false, vicious, threatening, malicious, or scurrilous statements to others concerning Department employees or the Department itself.
12. Horseplay or malicious mischief causing an injury.
13. Participating in, but not initiating a fight on the premises or during normal work hours.
14. Violations of Department rules, regulations, or policies prescribing suspension and/or demotion.
15. Insubordination or other serious breaches of discipline involving attitudes or behaviors toward supervision.
16. Failure to comply with the performance/conduct improvements as described by a notice of formal reprimand.
17. Unauthorized absence where planned absence did not receive advance approval, absenting oneself after denial of a request for leave usage, or improper leave usage.
18. Abuse of supervisory authority.
19. Failure by a supervisor to report complaints or direct knowledge of sexual harassment or personally fostering an offensive work environment.

**Note:** All appeals of suspensions are to be filed directly with the Employee Relations Section, Office of Human Resources. Appeals of unsatisfactory interim performance ratings are to be filed at Step One of the grievance procedure or with the immediate supervisor.

**TYPE THREE** -- The following types of offenses may subject an employee to a written reprimand for the first offense. A repeat offense in one year becomes a Type Two and may be cause for a suspension and/or unsatisfactory interim performance rating. This list is not all-inclusive.

1. Inattention to job responsibility.
2. Loafing during duty hours.
3. Creating or contributing to unsafe working conditions.
4. Violation of the Department's safety belt policy.
5. Violation of the Department's smoking policy.
6. Violations of Department rules, regulations, or policies prescribing reprimands.
7. Unauthorized absence other than that described under Type Two Offense #17.
8. Displaying sexually suggestive visuals such as posters, signs, cards; telling sexual jokes or stories contributing to a sexually offensive or hostile work environment.
9. A second or repeat offense within one year of the following:
  - Excessive absenteeism
  - Habitual tardiness
  - Inability to maintain compatible working relations with co-workers
  - Failure to commence work at the beginning of the duty period
  - Horseplay or mischievous conduct
  - Failure to maintain personal cleanliness and good personal appearance

**Note:** An appeal of a written reprimand is filed at Step One of the grievance procedure or with the immediate supervisor.

## **COLLECTIVE BARGAINING PROVISIONS**

All collective bargaining agreements contain provisions covering the topics contained in this section. These provisions describe specific procedures applied to disciplinary actions. Each employee should read their bargaining unit's contract for the provisions and procedures that apply to them.

## **DISCIPLINARY CONFERENCES**

When the Department is considering imposing discipline, a disciplinary conference will be scheduled. The Department notifies the employee, in writing, of the conference time and place, the charges, and possible penalties. If the employee fails to attend the disciplinary conference, the employee waives the right to a conference.

The department is not required to hold a disciplinary conference under the following circumstances:

1. When the Department suspends an employee for investigation
2. When the Department suspends an employee charged with a crime
3. When an employee is not on an approved leave of absence and has failed to report to work for three or more consecutively scheduled workdays.

## **NON-EXCLUSIVELY REPRESENTED EMPLOYEES' RIGHT OF REPRESENTATION AT DISCIPLINARY OR INVESTIGATORY CONFERENCES**

Non-exclusively represented employees have the following right to representation at disciplinary or investigatory conferences during which the following actions are expected to occur. Prior to the meeting, the employee shall receive a notice of the meeting time and place. It is the employee's responsibility to arrange for representation, if desired.

### **EXPECTED ACTION**

- Issuance of a formal reprimand
- Suspension without pay or dismissal
- Issuance of an unsatisfactory performance rating
- Investigatory conference involving a charge that may lead to suspension or dismissal

### **ACTIONS EXCLUDED FROM REPRESENTATION**

Excluded from the right to representation are all other actions not listed above including, but not limited to, other investigatory conferences, counseling, written reprimands, and timekeeping related to lost time.

### **AUTHORIZED REPRESENTATIVES**

Excluded employees in supervisory, managerial and confidential positions have the right to represent themselves, be represented by a limited recognition organization or by others of their choosing including an attorney. However, if a co-worker is chosen, this person must be another supervisory, managerial or confidential department employee. Finally, excluded employees may not be represented by contract-covered employees or by an employee organization certified as an exclusive representative.

Non-exclusively represented employees eligible for exclusive representation, like other excluded employees, may represent themselves or be represented by an attorney or a co-worker. A co-worker representative may be any employee from the Department except those designated supervisory, managerial or confidential. Non-exclusively represented employees eligible for exclusive representation can also be represented by an employee organization so long as the organization is not a limited recognition organization.

## **EXPUNGEMENT OF RECORDS FROM NON-EXCLUSIVELY REPRESENTED EMPLOYEES' PERSONNEL FILES**

### **STANDARDS FOR RETENTION**

Formal counseling - shall be retained in an employee's personnel file for a minimum of one year.

Written reprimand - shall be retained in an employee's personnel file for a minimum of one year.

Interim service rating - shall be retained in an employee's personnel file for a minimum of two years.

Suspension record - shall be retained in an employee's personnel file for a minimum of two years.

The retention periods relate to hours in pay status, not calendar years. The length of time a document or record remains on file can be extended beyond the minimum standard where an employee's supervisor can demonstrate continuing performance problems have not been resolved, or where the complexity of the problem requires a length of time greater than the specified standard.

### **PROCEDURE FOR REMOVAL OF PERSONNEL DOCUMENTS**

The documents described above may be expunged once the minimum time periods have passed, and upon the receipt of a written request to do so from the affected employee. Upon the receipt of a written request, the employee's supervisor will be notified of the requested removal and will be allowed five work days in which to advise of any disagreement with the employee's request. Should the supervisor disagree with the removal of documents or records, the supervisor notifies the employee and the Office of Human Resources, in writing, of the reasons for the disagreement. Where an employee believes a refusal to remove a record is without good cause, the employee may appeal the decision in accordance with the Civil Service grievance and appeals procedure.

## **J. GRIEVANCES AND TECHNICAL APPEALS**

A grievance is a complaint alleging that there has been a violation, misinterpretation, or misapplication of a provision of a union contract; or an improper application of a rule, regulation or department policy; or a claim of discipline without just cause.

Complaints alleging improper appointment actions, or disagreeing with qualification or classification decisions by Civil Service are not accepted as grievances. The proper forum for review of these actions is the technical appeal process.

### **GRIEVANCE PROCEDURES FOR EMPLOYEES COVERED BY A BARGAINING UNIT CONTRACT**

All collective bargaining agreements contain provisions governing grievances and the grievance procedure. Employees covered by a bargaining unit contract should read the specific contract for the applicable provisions and procedures.

### **GRIEVANCE PROCEDURES FOR NONEXCLUSIVELY REPRESENTED EMPLOYEES**

An employee wishing to file a grievance must submit a completed Grievance Form (CS-100) in accordance with Civil Service grievance procedures. Grievances based on issues other than a suspension or dismissal are filed at Step 1, with the employee's supervisor. Grievances based on suspensions and dismissals are filed at Step 2, directly with the Employee Relations Section, Office of Human Resources. A grievance must be filed within 14 days after the employee knew of or reasonably should have known of the circumstances giving rise to the grievance. Within 14 calendar days after the grievance is filed, an informal conference with the grievant will be held and a written answer issued. If the employee is not satisfied with the grievance response at Step 1, he or she may proceed to Step 2 by filing a written appeal with the Employee Relations Section, Office of Human Resources. If not satisfied with the Department's answer at Step 2, an employee may be able to appeal the grievance to Civil Service. For detailed information about the grievance procedure for non-exclusively represented employees, refer to Civil Service Rule 8, *Grievances, Technical Complaints, & Appeals*, and Civil Service Regulation 8.01, *Grievance and Grievance Appeal Procedures*, and Civil Service Regulation 8.06, *Computing Time and Filing Documents*.

### **TECHNICAL COMPLAINTS**

An employee directly affected by a classification or qualification decision issued by a Civil Service staff person may file a technical complaint with the Department of Civil Service. A technical appointment complaint may be filed if Civil Service revokes the appointment of an employee as a result of an audit, or an unsuccessful candidate alleges that the selection, appointment, or certification process used by the department when filling a position violated a Civil Service rule or regulation.

An employee wishing to file a technical complaint must submit an appropriate technical complaint form, within specified time limits, to the Office of Technical Complaints, Department of Civil Service.

Additional information about technical complaint procedures are found in Civil Service Rule 8, *Grievances, Technical Complaints, and Appeals*, and Civil Service Regulation 8.02, *Technical Classification and Qualification Complaints*, Civil Service Regulation 8.04, *Technical Appointment Complaints*, and Civil Service Regulation 8.06, *Computing Time and Filing Documents*. Please contact the Personnel Services Section, Office of Human Resources for assistance if you are interested in filing a technical complaint.

## **K. GENERAL INFORMATION AND GUIDELINES**

This section provides information and direction for circumstances that may occur in the daily work environment. Individual business areas may have additional work rules for topics covered in this section.

### **NEW EMPLOYEE ORIENTATION**

It is supervision's responsibility to acquaint the new employee with the work area, explain the business processes involved in completing work assignments, and describe the standards to be met.

The supervisor is available for advice and assistance in developing the knowledge and skills necessary to do the job. Shortly after beginning employment, the supervisor will provide the employee with a probationary rating form that describes job competencies and objectives, and will monitor and evaluate the new employee's performance during the probationary period.

### **TELEPHONE USAGE**

Departmental telephones are provided in order to communicate with our customers and conduct department business. Department telephones, and other electronic communication devices including cell phones and pagers, are not to be used during work time for non-emergency, personal calls. In some work areas, pay phones are available for employees' use to complete personal phone calls. Where pay phones are not available, business phones out of the customer service area may be used to make appointments or similar brief personal business calls during lunch hour or breaks. Only local or toll-free calls are allowed under these circumstances.

### **TELEVISIONS AND AUDIO ENTERTAINMENT DEVICES**

The personal use of televisions and audio entertainment devices (AEDs) will not be allowed in any public contact work areas. If management has determined that it is not detrimental to the work unit operations and does not disturb anyone else, AED's can be utilized by employees not in public contact work areas. Work units can establish additional rules for the use of these devices in non-public contact work areas, which may vary according to each unit's tasks and responsibilities.

### **VISITORS**

Each work unit shall determine rules concerning visitors based on the work unit's security needs and work unit objectives. Employees shall be advised of any rules regarding visitors.

### **EATING AND DRINKING IN THE WORK UNIT**

The consumption of beverages and foods is not allowed in public service areas. In other work areas, management within each work unit shall decide whether employees may consume beverages and food at their workstations.

## **GROOMING AND ATTIRE**

Proper grooming and attire have a positive impact on the Department's image and the work environment. All employees shall practice good grooming, and dress in a manner that is appropriate to a business setting and the day's activities. Program areas may establish additional, specific dress standards in work rules.

Every Friday has been designated as casual dress day for Department employees. Appropriate attire for casual Fridays is more relaxed than a normal workday. Inappropriate attire as described below is always unacceptable.

Inappropriate work attire is defined as, but not limited to: halter tops, midriff tops, shorts, T-shirts with offensive slogans or pictures, beach costumes, see-through or mesh clothing, and ragged, torn or dirty clothing.

When an employee is found to be outside acceptable grooming and attire standards, the employee will be sent home on lost time or annual leave. A second or subsequent deviation from acceptable grooming and attire standards will again result in the employee being sent home on lost time or annual leave, and may be cause for disciplinary action.

## **MEDIA CONTACTS**

Any request for information by the media, must be referred to the supervisor, who will get in touch with the appropriate person authorized to distribute information to the media.

## **CARE OF STATE PROPERTY**

Each employee is responsible for any equipment, materials, or other state property used in the course of work. State property must be properly maintained, must never be borrowed for personal use, and must be turned over to your supervisor if you transfer or terminate your position.

## **ACCIDENTS OR ILLNESS**

### **PERSONAL INJURY OR ILLNESS**

Any illness, injury, or similar emergency occurring on the job must be reported to the supervisor immediately. If necessary, the employee will be sent to a doctor or a hospital. Administrative leave is granted for only the day of the injury and if treatment is sought at an emergency facility or a doctor's office.

Supervisors must complete an Accident/Injury/Illness Report form, (HR-60) when an on-the-job injury occurs. These reports are forwarded to the Office of Human Resources in Lansing. Completion of these forms safeguards the right to any medical or hospital compensation due as a result of the injury.



## MOTOR VEHICLE CRASHES

An employee involved in a crash while driving a motor vehicle on official state business, must submit a written report as soon as possible. In addition, if a crash occurs while you are conducting a driving test, even though you were not the driver, you must submit such a report. If you are unable to do so, your supervisor is responsible for submitting this report.

While driving a state-owned vehicle, the State Fleet Policy gives you the "No-Fault" insurance coverage required under Michigan Law. When driving your own vehicle on state business, your own "No Fault" insurance provides your basic protection. If you desire further information regarding coverage under this policy, contact the Vehicle and Travel Services, Department of Management and Budget.

An employee is required to have a valid driver license in his/her possession while driving a vehicle on state business.

## **PERSONAL MAIL AND PERSONAL APPOINTMENTS**

Personal mail should be delivered to your home. All mail received at the Department is subject to opening by mailroom personnel (except where opening is prohibited by collective bargaining agreement). Personal appointments should be scheduled at times that do not interrupt or interfere with an employee's work schedule unless appropriate leave is taken.

## **PERSONAL SOLICITATIONS**

Approval of the section head or direct supervisor must be obtained before solicitations for subscriptions, donations, or sales for any purpose may be made. Normally, the only personal solicitations permitted are for employees who are retiring, separating from state employment, in ill health, or for the death of an employee or member of their immediate family. Passive solicitation for other purposes may be allowed with supervisory approval.

## **SUPPLEMENTAL EMPLOYMENT**

Employees may engage in supplemental employment if it is not in violation of applicable rules and policies regarding "Conflict of Interest." It also cannot be performed during a regularly scheduled state employment shift nor interfere with your state position in any way.

A "Supplemental Employment Request" form (HR-10) is available from the Office of Human Resources. Most supplemental employment requires only that the employee inform the Department of the outside employment. Employment that may present a potential conflict of interest requires departmental approval. Approval is granted until either the supplemental employment conditions change or the employee's state employment conditions change, at which time a new request should be submitted. The Office of Human Resources periodically updates supplemental employment information and requires the submission of new forms. Employees covered by a collective bargaining agreement should refer to the applicable article in their contract.

## **ENGAGING IN POLITICAL ACTIVITY**

State employees may not engage in political activities, including political fund-raising or political solicitation, during duty hours. Employees are not prohibited from expressing an opinion about politics; however, any attempt to persuade or dissuade another person to be “for” or “against” a candidate or issue is prohibited while on duty.

Classified state employees may run for a public office, partisan or non-partisan, provided it is done entirely on their own time. Running for the Michigan Legislature, a state executive branch office, or the Michigan Supreme Court or Court of Appeals requires an employee to request and be granted an unpaid leave of absence from their classified state job. The leave must start 60 days before the election, or when candidacy-filing requirements are completed, whichever is closest to the date of the election.

Additional information is available from the Department of Civil Service website at [www.Michigan.gov/mdcs](http://www.Michigan.gov/mdcs).

## **L. PERSONNEL FILES**

The Department of State maintains a personnel file for every employee. These files contain documents regarding an employee's tenure with the Department, including probationary service ratings, disciplinary actions, insurance enrollment cards, beneficiary designations, and other applicable, pertinent records. Information stored on automated systems, such as the Human Resources Management Network (HRMN) are also considered part of the official personnel file. Employees and their authorized representatives may review the contents of their own personnel files. Interested individuals must schedule an appointment with the Office of Human Resources.

Some personnel information is available to employees electronically through HRMN Self-Service Applications (SSA). Using a secure password and identification number, an employee can access a variety of personal information including benefits, dependent information, pay history, and leave balances.

To ensure correct personnel files, changes in your personal status should be reported to the Office of Human Resources immediately. The following are some of the important changes:

1. Name
2. Address
3. Phone Number
4. Changes in dependents for tax deductions and insurances
5. Name of beneficiary (retirement and designated beneficiary)

Many changes can be accomplished using HRMN Self-Service Applications (SSA), although additional documentation may need to be submitted to OHR. You can also obtain required forms from the OHR website or by calling or e-mailing the OHR office. Reporting these changes will avoid such consequences as inaccurate deductions from your paycheck, delay in receiving your paycheck, and incorrect dependent and beneficiary information.

## **VERIFICATION OF EMPLOYMENT**

The Office of Human Resources verifies employment for Department of State employees upon receipt of one of the following types of requests:

1. Written consent from the employee submitted by the company requesting verification.
2. Signed memorandum from the employee giving approval for the Office of Human Resources to release information to the party the employee designates.
3. A request from another governmental agency.

Upon receipt of such a request, the Office of Human Resources will respond within five (5) working days.

## **REQUESTS FOR HOME ADDRESSES AND TELEPHONE NUMBERS**

The Office of Human Resources frequently receives telephone requests for home addresses and telephone numbers for Department of State employees. Human Resources staff will not release home addresses or telephone numbers to any callers.

## **M. PAY, DEDUCTIONS, AND OTHER COMPENSATION PRACTICES**

Each classification is established by Civil Service and is assigned to a "salary range" in the State of Michigan Compensation Plan. Most salary ranges consist of a minimum and maximum rate with several intermediate rates within these limits. These different pay rates in a salary range are called "steps" or increments. Pay increases as the employee advances through these steps in accordance with length of service and job performance.

### **PAY DAYS**

The state payroll is based on a biweekly pay cycle. Paydays occur every other Thursday (unless it is a holiday). Employees are paid for eligible time included in the bi-weekly period that ends 11 calendar days before payday.

Your statement of earnings and deductions contains data pertinent to your employment. It is your responsibility to review this statement regularly to ensure accuracy of the information; many employees find it helpful to retain these documents for their personal records. Earning statements can also be viewed using HRMN Employee Self-Service. Check with your timekeeper if a problem develops.

### **DISTRIBUTION OF PAYCHECKS**

Employee paychecks are mailed to the home address on file in the Office of Human Resources. Paychecks cannot be cashed until the date indicated on the check, regardless of when they are received.

If an employee has elected electronic fund transfer (direct deposit), their paycheck will automatically be forwarded to the designated financial institution, and the statement of earnings will be mailed to the employee's home.

### **PAYROLL DEDUCTIONS**

**MANDATORY DEDUCTIONS** - There are three types of required payroll deductions:

1. Taxes - Federal, Social Security, Medicare, State and, when applicable, City.
2. Court garnishment of wages or federal tax levy - Advance notice is sent if a court or the Internal Revenue Service orders such a deduction.
3. If the employee is exclusively represented by a union, the employee must elect either membership dues or representation service fees to be deducted.

**VOLUNTARY DEDUCTIONS** – A variety of optional benefits may be paid through voluntary payroll deduction. Examples of benefits available for purchase include contributions to the State Employees Combined Campaign, deferred compensation, medical and child/dependent care spending accounts,

parking, United States Savings Bonds, and various types of optional insurance coverage.

Each voluntary deduction has specific requirements for beginning, changing, or canceling the deduction. For a complete list of benefits available for payroll deduction, and current information about each deduction, visit the Services page of the OHR website.

### **OVERTIME PAY**

Payment for approved overtime work is paid to eligible employees at the rate of time and one half as provided by either a collective bargaining agreement or Civil Service regulations and schedules. Bargaining unit members should refer to the applicable article in the appropriate contract.

### **COMPENSATORY TIME**

Compensatory (comp) time is allowed for some non-exclusively represented employees, depending on classification and level. It is also allowed in lieu of overtime for some employees covered by collective bargaining agreements. Bargaining unit members should refer to the applicable contract.

### **ADJUSTMENT FOR EXEMPT EMPLOYEES**

Employees who are exempt from overtime may, on occasion, be required to work beyond their regular hours. In these circumstances, the supervisor is allowed to modify the employee's work schedule accordingly.

### **SHIFT DIFFERENTIAL**

A 5% shift differential is paid to eligible employees if 50% or more of their regularly scheduled shift falls between the hours of 4:00 p.m. and 5:00 a.m. Shift differential does not apply to holiday credit or leave usage. This applies to excluded employees only. Employees in a bargaining unit should refer to the applicable article in the appropriate contract.

### **OVERPAYMENTS**

In the case of an overpayment to an employee, the Department will collect the amount of the overpayment in accordance with Civil Service procedures or applicable bargaining agreements. A repayment schedule can be negotiated, but is subject to the final authority of the Department.

### **UNDERPAYMENTS**

In the case of an underpayment to an employee, the Department will proceed immediately upon discovery to properly compensate the employee through the payroll-personnel system process in accordance with Civil Service regulations and collective bargaining agreements.

## UNEMPLOYMENT AND UNDEREMPLOYMENT BENEFITS

Unemployment benefits are available from the Unemployment Agency (UA) to employees who become unemployed and meet eligibility requirements. These benefits are intended to provide temporary income as the person seeks new employment.

Under certain conditions, it is possible for an employee to receive partial unemployment benefits while employed. The unemployment benefit is reduced according to how much is earned in each week for which benefits are claimed.

In order to receive this “underemployment” benefit, the employee is required to report complete and accurate wage information to the Unemployment Agency. All wages reported to UA must include the gross amount of pay. Claimants must report all hours for which they were paid during each week for which they are claiming benefits, including work time, all types of leave time, and holiday hours. Hours refused and relinquished are counted as paid hours and must be reported. These hours are then multiplied by the employee’s hourly rate of pay to arrive at the weekly gross earnings. Cafeteria plan cash option payments, longevity, and lump sum payments are also to be included in the reported earnings for the week they are received.

Misrepresentation of wages for the purpose of receiving unemployment benefits will result in disciplinary action up to and including dismissal.

## LONGEVITY PAY

Eligibility for an annual longevity payment occurs on October 1 of the fiscal year when the employee is expected to complete the equivalent of six years of full-time currently continuous employment.

Longevity payments increase with additional years of service in accordance with the table on the following page:

Years of Full-Time Service Expected to be Completed During the Fiscal Year:	Annual Longevity Payment Due on October 1 of the Fiscal Year:
6 – 9	\$260
10-13	\$300
14-17	\$370
18-21	\$480
22-25	\$610
26-29	\$790
30 & Over	\$1,040

Longevity credit is also given for up to five years (10,400 hours) of honorable, active duty in the

Armed Forces, and for employment in non-elective exempted and excepted positions in state employment which immediately preceded or interrupted state classified employment. Employees who believe they may be eligible for such credit, should notify the Office of Human Resources.

A career employee who separated and has returned to state service and completed five years (10,400 hours) of full-time currently continuous employment before October 1 of any year is eligible to receive a longevity payment based on all previous hours of classified service.

## **TRAVEL ALLOWANCES**

Travel allowances reimburse the employee for necessary travel expenses that would not reasonably be expected to be paid with an employee's personal funds. Itemized travel allowances are paid over and above regular earnings. To receive travel reimbursement, an employee must register with the Department of Management and Budget and notify them of any address changes. Additional travel reimbursement information is available on the department's intranet (the SOS Insider) under "Travel Info."

## **MOVING EXPENSES**

Moving expenses cannot be paid to new employees for an initial move to their permanent workstation with the Department. If the Department requests that an employee make a transfer that requires a change of residence, the Department may pay a portion of the employee's moving expenses.

There are rules established by the Department of Management and Budget for such payment. Payment cannot be made unless approved by the Department of Management and Budget in advance of the move.

## **WORKERS' COMPENSATION**

If an employee is injured while on duty, the supervisor must be notified immediately. When this type of injury occurs, it is covered by Workers' Compensation.

When a job-related injury lasts seven consecutive days or less, related medical expenses are covered, but there is no compensation for lost wages.

For injuries or illnesses lasting more than seven consecutive days, but less than 14 days, related medical expenses are covered and Workers' Compensation coverage for wages begins on the eighth day. An employee may use sick or annual leave credits to cover the first seven-day period. Administrative leave is granted for only the day of the injury and only if the employee seeks treatment at an emergency facility or a doctor's office.

When a job-related injury or illness lasts 14 or more days, related medical expenses are covered and Workers' Compensation coverage for wages begins the day after the last day worked.

If the Workers' Compensation Benefit is less than two-thirds of an employee's regular gross pay, the employee may be eligible for Supplemental Disability Payments. This payment, when combined with the Workers' Compensation payment will bring the disability income up to two-thirds of the employee's regular gross pay. Leave credits may be used to make up the additional one third, enabling the employee to receive full pay while leave benefits last.



Medical, surgical, hospital services and medicines required during the course of treatment are covered once the claim is determined to be valid.

In addition to Workers' Compensation, Public Act 452 of 1978 provides employees a supplemental benefit when they are injured as a result of an assault by a client (customer). An employee injured in this manner receives a supplement from the Department, which when added to the Workers' Compensation shall equal, but not exceed, the weekly net wage of the employee at the time of injury.

It cannot be stressed enough the necessity to report duty-related accidents and implementing the proper procedures in a timely manner. Accident reports, if possible, must be received in the Office of Human Resources within two workdays of the accident.

### **PAYOFF UPON STATE SEPARATION**

An employee who separates from state service after completion of the first 720 hours of employment is entitled to payment of any unused annual leave balance. An employee who separates for any reason prior to completion of 720 hours of creditable service is paid for the balance of unused hours of the initial 16-hour grant. If separation is due to a reason other than retirement, an employee may also request a refund of retirement system contributions if the employee has a self-contributed balance accumulated as a result of state employment prior to July 1, 1974.

### **SICK LEAVE PAYOFF**

Upon retirement or death, employees hired prior to October 1, 1980, are paid for 50% of their accumulated sick leave, regardless of their sick leave balance. Employees hired prior to October 1, 1980, who separate for reasons other than retirement or death are paid for a percentage of their unused sick leave in accordance with the following table. Employees hired after September 30, 1980, are not entitled to payoff of unused sick leave.

<u>SICK LEAVE BALANCE HOURS</u>	<u>% PAID</u>
Less than 104	0
104 - 208	10
209 - 416	20
417 - 624	30
625 - 832	40
833 or more	50

## **PAYMENT UPON DEATH**

In the event of death, an employee's beneficiary or estate will be paid the remaining earned salary, annual leave, deferred hours, 50% of accumulated sick leave if the employee was hired prior to October 1, 1980, and pro-rated longevity pay (if eligible).

At the start of employment, each employee completes a "Designation of Beneficiary Form" (CS-140), which is on file with the Office of Human Resources. To change beneficiaries, a new "Designation of Beneficiary Form" must be submitted.

## **N. GROUP INSURANCE COVERAGES AND OTHER BENEFITS**

An employee may enroll for insurance from a group carrier, provided the employee is employed on a career basis in a position expected to have more than a 719-hour duration. The decision to enroll must be made within the first 30 days of employment, or the employee must wait for a subsequent open enrollment period. Open enrollment periods for all state-sponsored insurance programs usually occur every 12 months. Insurance cost is split between the employee and the state.

### **HEALTH, DENTAL, VISION, AND LIFE INSURANCE**

The State of Michigan offers a flexible benefit plan for health, dental, vision, and life insurance. This plan allows employees to choose coverage best suited to their needs from a variety of insurance carriers. New employees receive current flexible benefit information. During open enrollment periods employees are provided with information detailing any changes in coverage, rates, and available carriers. An employee can add dependents within thirty-one days after a marriage, birth or adoption. Employees are allowed to change their insurance carrier or make other additions to dependent coverage only during an open enrollment period.

### **LONG TERM DISABILITY**

If an employee becomes totally disabled and unable to work at their usual occupation, this insurance program will continue to provide income at 2/3 of gross income up to a maximum of \$3500 monthly for UAW members, \$5000 monthly for non-exclusively represented employees, and \$3000 monthly for others. This benefit begins after sick leave has been exhausted, but never before the 15th day of disability. Long-term disability is available to permanent full-time employees, and part-time or permanent intermittent employees working 40% of full-time or more during the previous fiscal year. Permanent intermittent and part-time employees' benefits are adjusted by the percent of full-time worked in the previous fiscal year.

If an employee has accumulated less than 184 hours of sick leave, long-term disability insurance will provide income payments for a maximum of two years. After 184 or more hours of sick leave has been accumulated, the employee will receive income payments until age 70 as long as the employee is totally disabled and unable to work at any reasonable occupation. The specific provisions are explained in a pamphlet available from the Office of Human Resources.

The long-term disability rider pays 100% of the state health or HMO premium for the first six months of long-term disability.

### **ACCIDENTAL DUTY DEATH BENEFIT**

A special group insurance provides a \$100,000 death benefit in case of accidental death in the line of duty. This benefit is available free of charge to all state employees.

## **CONTINUATION OF INSURANCE BENEFITS**

Most insurance coverage can be continued if the employee, or his/her spouse or dependents, lose coverage due to separation from employment, retirement, reduction of hours, death, separation or divorce, or child ineligibility. Coverage benefits remain the same; however, the employee or the affected family member will be responsible for paying the full cost of the insurance coverage. Coverage may be continued up to 36 months, depending on the reason state coverage was lost. Contact the Office of Human Resources for additional information.

## **INSURANCE ELIGIBILITY**

The types of insurance benefits available to employees are determined by contract negotiations if the employee is a member of a bargaining unit, or by the Civil Service Commission for excluded or non-exclusively represented employees. Benefit booklets, forms and other information are available on the website of the Employee Benefits Division, Department of Management and Budget, at [http://www.state.mi.us/dmb/ose/EBD/ebd\\_set.htm](http://www.state.mi.us/dmb/ose/EBD/ebd_set.htm).

## **EMPLOYEE SERVICE PROGRAM**

The Employee Service Program (ESP) is a state-sponsored program that provides assistance to employees experiencing personal problems. ESP has trained counselors on staff who will listen to and work with an employee to get the help they need. If an employee's problems are not job-related, the counselor will make a referral for outside services through the employee's health benefit plan. If problems are job-related, or affecting job performance, the ESP counselor will work with the employee and supervisor to the extent possible. Personal information shared by an employee with an ESP counselor will be kept CONFIDENTIAL, except with written permission from the employee.

The Employee Service Program also provides consultation services for supervisors and union stewards. Supervisors may, and should, offer program services to employees experiencing ongoing job problems, but employee participation is voluntary.

An initial assessment meeting with an ESP counselor generally takes 1-2 hours, and administrative leave is granted to cover this appointment. Subsequent appointments must be covered by sick or annual leave credits.

Employees may request ESP services by contacting the Employee Service Program at:

(517) 373-7630 Lansing area

(313) 256-3619 Metro-Detroit

(800) 521-1377 Out state

## **RETIREMENT PROGRAM**

### **STATE EMPLOYEES HIRED PRIOR TO MARCH 30, 1997:**

Employees hired prior to March 30, 1997, who participate in the Defined Benefit Retirement Plan receive retirement benefits in accordance with the schedule outlined below.

TYPE	ELIGIBILITY REQUIREMENTS	
	Minimum Age	Minimum Years of Service Credit
Full Benefits	60	10 years
	55	30 years
Reduced Benefits	55	15 years
Disability Benefits (Permanent, total disability)	None	None, if disabled in line of duty, otherwise 10 years
Deferred Benefits (Payable after age 60 if state service is terminated before retirement age)	None	10 years

Employees are vested in the Defined Benefit Retirement Plan when they have 10 or more years of service credit. Once vested, an employee, regardless of age, who terminates employment with the state may elect to apply for a deferred retirement. The employee is then eligible to receive a pension upon attaining age 60.

A full retirement service allowance is payable at age 60 with completion of at least 10 years of service, or at age 55 with 30 or more years of service. An employee who has 15 or more, but less than 30 years of service, may retire any time after attaining the age of 55 and will receive a pension which is reduced by .5 percent per month for each month he/she is under age 60. Life insurance coverage for retirees, as well as eligible dependents is provided at no cost to the retiree. For retirees, coverage is equal to 25% of the active life insurance coverage. Dependent life insurance coverage is reduced to \$1000. The state contribution for retirees' health insurance coverage is the same percentage as that provided for active employees.

The formula for determining the amount of retirement pension is 1.5 percent of final average compensation, multiplied by the number of service credit years. Final compensation is the average of the compensation paid by the state during the period of three consecutive years of credited service that produces the highest average.

Employees covered under the Defined Benefit Retirement Plan with 10 years of service may designate a beneficiary to receive a lifetime monthly benefit in the event of death. The employee's spouse will automatically receive the benefit unless another beneficiary is named. If an employee has no spouse and has not named a beneficiary, no benefit will be paid. Beneficiary forms are available in the Office of Human Resources.

#### STATE EMPLOYEES HIRED AFTER MARCH 30, 1997:

Employees hired after March 30, 1997, must participate in a Defined Contribution Retirement Plan. Under this system, an employee has a number of options for investing money through a defined contribution account. The state contributes 4% of the employee's annual income to a personal defined contribution account. The employee may contribute additional money to the account to the extent permitted by the Internal Revenue Code, with the state matching up to 3%.

Retirement benefits received under this plan vary, depending on the amount and kind of investment options chosen by the employee. An employee will be completely vested in the employer contributions after four years of service. Once vested, all pension benefits go with the employee if they leave state employment.

Under the defined contribution plan, employees will be vested in retirement health benefits after 10 years of service. They will then be entitled to a state contribution toward the insurance premiums of 3% for each year of service, up to a maximum of 90% (for 30 or more years of service).

#### RETIREMENT INFORMATION

An employee may request information concerning their Defined Benefit Retirement Plan by contacting the Office of Retirement Services, Department of Management and Budget. Information about the Defined Contribution Retirement Plan may be obtained by contacting CitiStreet, the plan administrator.

## **O. LEAVE AND ATTENDANCE**

The purpose of this section is to clarify attendance standards and rules. It is also to assist employees in understanding their rights, privileges, and responsibilities in accumulating and using leave credits.

### **TIMEKEEPING STIPULATIONS**

All Department of State offices and work units are required to provide adequate staff coverage during core hours (8:00 a.m. to 5:00 p.m., Monday through Friday) and where so designated, for extended service hours.

### **ATTENDANCE AND PUNCTUALITY**

#### **HOURS OF WORK**

Work schedules are determined by the business area, therefore they could vary from the usual 8:00 a.m. to 5:00 p.m. In some situations, these hours will include weekends. Employees are expected to perform their duties during specified hours.

A rest period of 15 minutes is allowed for each four hours worked. Time limits on these rest periods should be respected. Each supervisor has the responsibility to schedule rest periods so service to the public and office coverage is not disrupted. Bargaining unit members should refer to the applicable article in the appropriate contract.

#### **CHARGING FOR LEAVE CREDITS, PAID HOURS WORKED, AND LOST TIME**

Employees shall be charged for leave credits, paid hours worked, and lost time at a rate of one-tenth for every six minutes. When increments of less than six minutes are used or earned, three minutes or more shall be rounded up to the next higher tenth and less than three minutes shall be rounded down to the next lower tenth for each occurrence.

#### **TARDINESS**

Employees are required to be at their assigned work stations and ready to work at their scheduled starting times. This also includes the timely return from breaks, lunches, and other approved leave. Failure to adhere to these reporting requirements shall be considered as tardiness whether such time is or is not covered by annual leave.

When an employee has determined that they are going to be tardy, the employee is required to contact his/her supervisor. The employee upon his/her arrival will be required to state the reason for his/her tardiness to their supervisor.

Employees are expected to be at their workstation ready to begin work at the start of their shift. Habitual tardiness will result in disciplinary action. Habitual tardiness is defined as:

1. More than two occurrences of tardiness in one pay period.
2. One or more occurrences of tardiness in three out of four consecutive pay periods.

Disciplinary Action to be applied to habitual tardiness:

**Third** occurrence of habitual tardiness within 12 months - formal written reprimand and lost time,

**Next** occurrence of habitual tardiness following the issuance of a reprimand - suspension,

**Next** occurrence of habitual tardiness within 12 months following a suspension - dismissal.

### ABSENTEEISM

A good attendance record is necessary for all Michigan Department of State employees. If an unforeseen difficulty will result in an employee being late or absent, the employee must notify his/her supervisor, preferably before the start of their scheduled shift, or as soon as possible.

### EXCESSIVE ABSENCES

Excessive absences and absences without prior approval are a serious concern. To address these concerns, an individual employee, or all employees of a work or program area, may be subject to a quarterly review of attendance and absenteeism. An employee or group of employees will be notified of such reviews in writing. An employee who violates one of the standards described below will be informed that a subsequent violation of any of the standards the following quarter will result in formal counseling. An additional violation in any of the four (4) quarters subsequent to the issuance of formal counseling will be handled in accordance with Section F of this handbook.

Absences are considered excessive when the employee:

1. Is absent because of unplanned absences in more than three (3) pay periods per quarter. (An unplanned absence is an absence of an entire shift or consecutive shifts that occurs without notice prior to the absence.)

OR

2. Is absent from work without the appropriate leave to cover the absence, except where the absence is due to a previously documented serious health condition of the employee or a member of the employee's immediate family.

### QUESTIONABLE ABSENCE OR A PATTERN OF ABSENCES

A questionable absence or absences that form a questionable pattern are also a concern. A questionable absence or pattern of absences exists when an employee is:

1. Absent on reported sick leave after denial of annual leave for the same period of time.
2. Absent on a regular continuing basis on a given day of the week such as Monday or Friday, or the day preceding or following holidays.



3. Absent on reported sick leave or demonstrates any other pattern which raises questions about the validity of the reasons for the absence.

An employee whose absence is questionable will be required to provide proof of the emergency or illness resulting in the absence. Inability or unwillingness to provide such proof will result in lost time and the appropriate disciplinary action. Where it appears questionable that absences are justified, appropriate action is taken. The action follows progressive steps. It may range from a discussion of the problem and/or "lost time" to a recommendation for dismissal.

### UNAUTHORIZED ABSENCES

An unauthorized absence occurs when an employee is absent without having appropriate supervisory approval for the time off. The employee will be charged with lost time for the period of the absence. Unauthorized absences will result in disciplinary action as described in the Department's disciplinary procedures. The following are examples of unauthorized absences, but the list should not be considered all-inclusive:

1. An absence for which the employee did not get required approval
2. Absenting oneself after denial of a request for leave usage
3. Habitual tardiness
4. Improper leave usage

### LOST TIME

An employee who is absent from work without supervisory approval, or does not have sufficient leave credits to cover the hours of absence, is charged with "lost time." Because leave credits are earned based on the number of hours in pay status, an instance of lost time in a pay period affects the normal accumulation of leave credits for that pay period. It also affects your credit for longevity pay and bonus annual leave credit.

An instance of lost time results in:

- Loss of salary for the lost time;
- Reduction in amount of annual leave accrual;
- Reduction in amount of sick leave accrual;
- Delayed step increase;

Lost time, which occurs because of insufficient leave credits to cover time off, may be approved for absences due to health problems or under unusual emergency or extenuating circumstances beyond the control of the employee. If these conditions do not exist, the absence will be considered unauthorized.

### SIGNING IN AND OUT

Each individual work unit shall determine the method of recording arrival and departure of employees.

### LEAVING ASSIGNED WORK AREA

It is the responsibility of an employee to notify his/her supervisor when it becomes necessary for that employee to leave his/her assigned work area while on duty. If an employee is leaving on a scheduled lunch or rest break, this rule need not be followed.

### **ALTERNATIVE WORK SCHEDULES**

At management's discretion, alternative work schedules can be established. Employees will have the option of participating in an approved alternative work schedule or remaining on the standard schedule of work hours, unless the structure of work prevents selection of an option. Work schedules, whether standard or alternative, must in all cases be in the best interest of the State and consistent with Civil Service Rule 5-2.1 which provides that 80 hours of work shall constitute a basic bi-weekly work period for full-time employees. Refer to the applicable article in the appropriate contract if you are a member of a bargaining unit.

Standard work schedules may be adjusted as follows:

Modified Work Schedule: An approved schedule that maintains 80 hours of work per pay period, but is not strictly comprised of eight-hour workdays. Such schedules may not exceed a maximum of a 10-hour workday.

Flex-Time: Approved adjustments in daily work schedules that maintain 80 hours of work per pay period and eight-hour workdays, but allows the employee variable beginning and ending times with their shift.

Employees interested in alternative work schedules where their work unit is on a standard work schedule may express such interest by submitting a written request to their immediate supervisor. Where a work unit has installed an alternative work schedule, the right to remain on a traditional work schedule shall continue to be available to employees unless the work practices or scheduling procedures in a particular work area prohibit the exercise of this option.

In work areas where alternative work schedules have been approved and adopted, employees who elect to participate must individually submit a written request to their supervisor. The written request must include a statement indicating acceptance of the timekeeping procedures as outlined in this policy. Approval and continuation of modified work schedules or flex-time options shall be at the discretion of the Appointing Authority or bureau management.

Employees authorized to work alternative schedules (modified or flex-time) who then are reassigned or transferred from one work unit to another may not necessarily have continued approval to work the schedule authorized in the previous work unit.

An employee may request to terminate alternative work schedule participation provided that such termination is indicated in writing, and given to the immediate supervisor with at least one pay period

advance notice.

### CORE TIME

Alternative work schedules must include a minimum of 32 hours each week of core time. The remaining eight hours of work time may be varied provided the employee is not scheduled to work in excess of ten hours per day.

### ATTENDANCE

When an employee is absent, the absence must be covered with sick or annual leave in the amount equal to the number of hours that the employee had been scheduled to work that day. Tardiness, unauthorized absence, or patterns of such attendance problems from an alternate work schedule will be considered in accordance with present attendance policies. Such absences or patterns of such absences where identified may subject the employee to an immediate withdrawal of the adjusted work schedule.

### HOLIDAYS

On paid holidays only eight hours of payment shall be authorized as holiday payment for eligible employees. Employees working modified schedules that require more than eight hours of work per day shall be required to supplement the remaining scheduled hours with annual leave credits not to exceed a combined maximum of 10 hours for that day. The employee may make alternate scheduling arrangements with prior supervisory approval for the pay period in which the holiday occurs.

### OVERTIME

Eligible employees working modified schedules shall only be entitled to daily overtime compensation for those authorized overtime hours in excess of the established modified schedule of work hours for that day.

Eligible employees shall be compensated for authorized overtime in excess of 40 hours in a week. This existing overtime regulation cannot be waived. Employees shall not be allowed to work during their scheduled lunch period, nor shall the fifteen-minute rest break be waived in the morning and/or afternoon in order to meet any established core time requirements.

### TRAINING

When employees working modified schedules or flex-time schedules are required by management to participate in training or meetings, existing alternate work schedules will, if necessary, be adjusted in order to permit the employee to attend the training or the meeting.

## **LEAVE CREDITS**

### **SICK LEAVE**

Sick leave credit is earned on the basis of four hours for each 80 hours of work. It is available for use for legitimate reasons immediately upon being earned.

Sick leave is primarily for use in case of personal illness or injury. Use of sick leave is also permitted where there is illness or injury in the immediate family necessitating an employee's absence from work, death in the immediate family, dental or medical appointments, or funerals of relatives. When reporting use of sick leave, the employee must declare the reason for the absence on the appropriate sick leave reporting form noting if the absence was due to personal illness or one of the other reasons listed above.

When the need for sick leave usage is known in advance, the appropriate request form should be submitted and the supervisor's approval obtained before taking time off. This applies particularly to medical appointments and funerals.

An employee who is unable to report for work must call his/her supervisor prior to or at the beginning of the work shift. If the supervisor cannot be reached, the employee should speak directly with the supervisor's designated assistant or other designated persons. Field personnel that cannot reach their supervisor or designated assistant should contact their district manager. The reason for the employee's absence must be given. If it is because of illness of a family member for whom sick leave can legitimately be used, this must be explained.

If an employee is too ill to telephone, someone else can officially report the employee's absence following the procedure outlined above. The supervisor must be informed if the absence will last longer than originally expected. An employee must call in daily if a return to work date has not been set.

Medical certification of the illness is normally requested at the beginning and upon return from a leave of absence.

Medical certification may be requested to verify sick leave usage when there is cause to doubt the reason given for sick leave usage. It may also be requested prior to an employee's return to work to certify an employee's fitness for duty. The cost of such certification will be borne by the employee.

If you are a member of a bargaining unit, refer to the applicable articles regarding sick leave and medical leave of absence in the appropriate contract.

### **INITIAL ANNUAL LEAVE**

Permanent and limited term employees are credited with 16 hours of annual leave when they begin work in a state classified job, which is immediately available for use.

### **ANNUAL LEAVE**

Crediting and Accumulation - In addition to the initial annual leave grant of 16 hours, permanent and limited term employees are entitled to accrue annual leave with pay in accordance with the following

table:

#### ANNUAL LEAVE TABLE

#### ANNUAL LEAVE CAP

0- 1 yr. ( 0 - 2,079 hrs.) = 4.0 hrs./80 hrs. service	256 hours
1- 5 yrs. (2,080-10,399 hrs.) = 4.7 hrs./80 hrs. service	256 hours
5-10 yrs. (10,400-20,799 hrs.) = 5.3 hrs./80 hrs. service	271 hours
10-15 yrs. (20,800-31,199 hrs.) = 5.9 hrs./80 hrs. service	286 hours
15-20 yrs. (31,200-41,599 hrs.) = 6.5 hrs./80 hrs. service	301 hours
20-25 yrs. (41,600-51,999 hrs.) = 7.1 hrs./80 hrs. service	306 hours
25-30 yrs. (52,000-62,399 hrs.) = 7.7 hrs./80 hrs. service	316 hours
30-35 yrs. (62,400-72,799 hrs.) = 8.4 hrs./80 hrs. service	316 hours
35-40 yrs. (72,800-83,199 hrs.) = 9.0 hrs./80 hrs. service	316 hours
40-45 yrs. (83,200-93,599 hrs.) = 9.6 hrs./80 hrs. service	316 hours
45-50 yrs. (93,600-103,999 hrs.) = 10.2 hrs./80 hrs. service	316 hours

#### USE OF ANNUAL LEAVE

The supervisor's approval must be obtained before using annual leave. Annual leave requests shall be made at least 24 hours in advance of the time requested to allow management adequate time to attempt to accommodate your request. In addition, specific work areas may establish greater prior notice requirements based on scheduling or operational needs. When such requirements are established, they will be provided to employees in writing.

New employees of state government are not entitled to use annual leave (except for the 16 hours of initial leave) until they complete 720 hours. At the end of that time, new employees are notified that they have been credited with the full amount of their accumulated annual leave. They would then be authorized to use it like all other employees in accordance with established procedures.

#### ANNUAL LEAVE WITHOUT PRIOR APPROVAL

Occasionally it is not possible to get prior approval for annual leave because the need could not be determined in advance. In such cases, the supervisor must be notified immediately. If the supervisor approves the usage, no special action is required. However, if it is not approved, the absence will be considered unauthorized, and the employee will be charged with lost time for the period of the absence.

#### PERSONAL LEAVE

Permanent and limited term employees with at least six months of continuous satisfactory service, shall receive two personal leave days (16 hours) to be used in accordance with normal requirements for annual leave usage. Such leave shall be granted to less than full-time, permanent employees on a pro-rated basis except where collective bargaining agreements give full credit. This leave is credited to the employee's annual leave balance on October 1 each year.

#### SCHOOL PARTICIPATION LEAVE

Permanent, non-exclusively represented employees who have completed 1040 hours of satisfactory service receive eight hours of school participation leave each year. Contract-covered employees should refer to their collective bargaining agreements for eligibility requirements. School participation leave is to be used for active assistance or participation in school-sponsored educational activities. Prior approval must be obtained for use of school participation leave and the time off can only be utilized in one-hour increments. This leave is credited on October 1 and cannot be carried forward to the next fiscal year.

#### HOLIDAY LEAVE

The holidays presently observed by all state departments are:

<u>HOLIDAY</u>	<u>DATE OBSERVED</u>
New Year's Day	January 1
Martin Luther King Day	The third Monday in January
Presidents' Day	The third Monday in February
Memorial Day	The last Monday in May

Independence Day	July 4
Labor Day	The first Monday in September
Veterans Day	November 11
Thanksgiving Day	The fourth Thursday in November
Day After Thanksgiving	The Friday following Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
New Year's Eve	December 31

The holiday is observed on the holiday itself, if it falls on a scheduled workday. A holiday that falls on Saturday is observed on the preceding Friday. A holiday that falls on Sunday is observed on the following Monday. When Christmas Eve and New Year's Eve fall on Friday, the preceding Thursday may be used. If they fall on Sunday the holiday may be observed on Friday. The State Personnel Director may establish alternative observance dates before the start of a fiscal year.

## **LEAVE FOR CIVIL SERVICE EXAMINATIONS AND EMPLOYMENT INTERVIEWS**

### **CIVIL SERVICE EXAMINATIONS**

Administrative leave for the time needed to write a Civil Service examination may be approved if:

1. Arrangements for the employee to take the examination have been initiated by the Department of State's Office of Human Resources; and,
2. If the specific examination being taken could reasonably provide an avenue for promotion to an existing vacancy within the Department of State.

In all other instances, use of annual leave is appropriate.

### **EMPLOYMENT INTERVIEWS**

Employees are permitted to use administrative leave to cover an absence from scheduled work time to attend an employment interview for a different position within the department. Employees must pay their own travel expenses to get to the interview. For interviews for positions outside the Department of State, use of annual leave is appropriate.

## **MILITARY LEAVES OF ABSENCE**

### **Emergency Military Leave**

Employees who are members of the National Guard or military reserve units may be called to active duty by compulsory call of the Governor or the President. In accordance with Civil Service Rules and Regulations, a classified employee may be placed on an Emergency Military Leave of Absence for 30 calendar days when first called up.

The leave is with pay if the military pay is less than the employee's regular state salary, for each day of absence from scheduled state employment. The pay is equivalent to the difference between the employee's military pay and regular state salary and is limited to 30 calendar days. If the emergency duty lasts longer than 30 calendar days, the employee may choose to be placed on a Regular Military Leave of Absence without pay, or use annual leave for the remainder of the duty period.

An employee in these circumstances who is called to active duty should submit Form HR-39 (Request for Leave of Absence with Pay) to the Office of Human Resources, along with a copy of the document ordering the employee to report for duty.

### **Temporary Military Leave**

A Temporary Military Leave of Absence, to be used only for the purpose of military training, is granted to classified state employees occupying an indefinite (permanent) position who are members of the National Guard or military reserve units.

The leave is with pay if the military pay is less than the employee's regular state salary, for each day of absence from scheduled state employment. The pay is equivalent to the difference between the employee's military pay and regular state salary for each day of absence from scheduled state employment for those same days. The leave cannot exceed 15 regularly scheduled workdays in any fiscal year.

An employee in these circumstances who is called to active duty training should submit Form HR-39 (Request for Leave of Absence with Pay) to the Office of Human Resources, along with a copy of the document ordering the employee to report for duty.

### **Regular Military Leave**

Employees who are members of the National Guard or military reserve units may be called to active military duty. In accordance with Civil Service Rules and Regulations, a classified employee may be eligible for Emergency Military Leave, with pay, for the first 30 days of active military service. If the employee remains on active duty after thirty calendar days, he or she may elect to use annual leave for the remainder of the active duty period, or go on a Regular Military Leave, without pay, for the remainder of the duty period. If annual leave accruals are exhausted, the employee is automatically placed on a Regular Military Leave. When an employee goes on a Regular Military Leave, all insurance benefits are terminated, although benefits for dependents may be continued through COBRA. At the end of the Regular Military Leave the employee may apply for



reinstatement within six months of release.

## **LEAVES OF ABSENCES AND ADMINISTRATIVE LEAVE FOR EXCLUDED AND NON-EXCLUSIVELY REPRESENTED EMPLOYEES**

### **MEDICAL LEAVE OF ABSENCE**

Under specific circumstances, a medical leave of absence without pay is available to qualifying employees. A medical leave of absence form is available from the Office of Human Resources. This form must be completed and returned in advance of the date the leave is to begin, except for leaves resulting from an accident or an emergency. Members of a collective bargaining unit should refer to their collective bargaining agreement for specific eligibility information.

In determining whether a medical leave of absence should be granted, the Office of Human Resources considers the employee's length of service and attendance history, previous leave(s) of absence, the expected return-to-work date, and operational needs of the work area. In addition to the specific factors previously mentioned, a medical leave of absence is subject to the following general conditions:

1. The employee must meet Civil Service or contractual eligibility requirements.
2. Obtain a Certification of Physician or Practitioner form from the Office of Human Resources, and complete it after reading the instructions. All requests for medical leave not caused by accident or emergency must be submitted to the Office of Human Resources in advance of the date the leave is to begin. This certification must contain:
  - a. The medical facts relating to the requested leave.
  - b. The length of time necessary for recovery or the expected date of return to employment (expected return to work date - month, day, and year).
3. In cases where an employee suffers from a "progressive disability," a doctor's statement at regular intervals may be required. Approval of a medical leave in such cases will depend on the condition itself and on the nature of the employee's job. If an employee is absent too frequently or if the employee's work suffers, the Department will require a doctor's certificate that the employee is fit to continue work at a satisfactory level of performance and attendance.
4. Employees who become disabled and do not intend to return to work should submit a resignation or begin a waived rights leave of absence rather than request a continuation of the medical leave of absence. They have Civil Service reinstatement rights for three years. Frequently, it is to the employee's economical advantage to seek disability retirement, if eligible.
5. Before returning from a medical leave of absence, the employee must submit a doctor's statement indicating the status of the illness that caused the absence and certifying that the employee is able to resume your duties.
6. If an employee is not going to return to work at the time originally indicated on the medical leave request, an extension of the leave must be requested. Medical documentation to

support the request must be provided. If this is not done, and the employee fails to report for work, a separation for "leave of absence denial" will be processed unless cause can be shown why this should not be done.

When a medical leave of absence is granted, an employee may elect to freeze up to 160 hours of accumulated annual leave by written request to the Office of Human Resources.

#### LEAVE ENTITLEMENT UNDER THE FAMILY AND MEDICAL LEAVE ACT

Every employee who has worked for the state for a total of at least 12 months, and who has worked no less than 1250 hours in the preceding 12 months, is eligible for up to 12 work weeks of job-protected, unpaid leave in a 12-month period under the Family and Medical Leave Act (FMLA). This leave is taken:

- To care for a newborn or newly placed adopted or foster child.
- To care for an employee's seriously ill parent, spouse, or child.
- For a serious personal health condition or to recuperate from a serious health condition. (A serious health condition generally involves inpatient hospital care or continuing treatment by a health care provider.)

FMLA leaves may be taken on an intermittent basis, or an employee can work a reduced schedule due to a serious health condition, or a serious health condition of a parent, spouse, or child. In these situations, only the hours the employee is on leave from work are counted toward the 12-week entitlement.

Permanent-intermittent (PI) employees receive 12 weeks of prorated leave entitlement. A PI's entitlement is equal to the number of hours worked by the employee in the 12 weeks preceding the week in which the FMLA leave was used for the first time during the 12-month entitlement period. This entitlement is calculated only once in a 12-month period, at the first occurrence of FMLA leave.

FMLA leave is not necessarily additional or separate leave from the medical, parental, or family leave granted under Civil Service rules or by collective bargaining agreements. Most often, FMLA leave will run concurrently with these leaves. While an employee can request FMLA leave, use of FMLA leave for qualifying absences is not discretionary. The Department must notify an employee when any qualifying absence counts toward their FMLA entitlement, whether the employee requested the use of FMLA leave or not.

Employees who have used up their entitlement to an unpaid medical leave of absence granted by Civil Service rules or collective bargaining agreement may still be eligible for FMLA leave. Conversely, employees who have exhausted their FMLA leave entitlement may still qualify for additional leave under Civil Service rules or collective bargaining agreement guidelines.

#### NON-MEDICAL LEAVES OF ABSENCE WITH PAY

##### **Administrative Leave**

Administrative leave with pay may be given for some kinds of necessary absences from duty for which annual or sick leave is not appropriate. Such leave is discretionary with the Department and

can cover such absences:

1. When an employee is available for work, but the office is officially closed due to extraordinary circumstances. This will be granted only if there is no feasible temporary reassignment.
2. Serving on a jury (Report as Jury Duty in DCDS).
3. Authorized attendance at professional and technical conferences and conventions.
4. In-service training activities including institutes and workshops.
5. Authorized attendance at Civil Service hearings.
6. Serving on authorized committees or with special groups.
7. Appearing as a witness for the people.
8. Employee Relations activities as provided for by the Civil Service Employee Relations Policy.
9. The day of a work related illness or injury that requires treatment at an emergency facility or a doctor's office.
10. Initial assessment appointment with an Employee Service Program (ESP) counselor.

Administrative leave must be approved in advance. It is essential that it be cleared with the Office of Human Resources and your supervisor before it is used. Approval for administrative leave for items 2 and 7 is to be requested on Form HR-39.

### **Jury Duty**

An employee selected for jury duty should obey the summons unless excused by the court. If you receive a jury duty summons, the supervisor should be advised, and a Request for Leave of Absence with Pay form (HR-39) should be submitted to the Office of Human Resources. The employee is expected to return to work on those occasions when he/she is released from serving on a jury. In most cases, jurors are required to serve intermittently, only as needed, during their period of jury duty. An employee serving as a juror is expected to report for work during any regularly scheduled work hours in which attendance in court is not required.

Fees received from the court (minus travel allowance) must be reimbursed to the Department if administrative leave is used. If the employee elects to use annual leave for time spent in court, he/she is not required to reimburse the Department for the fees received from the court.

### **Witness in Court**

An employee may be called as a witness for the people to give testimony related to their regular job functions, or subpoenaed to testify for the people in non-work related matters. When an employee is summoned as a witness for the people as a consequence of work-related activities, the employee shall be considered to be in work status and administrative leave need not be recorded for the absence. Documentation for the absence should be provided to the supervisor, and the employee

should notify the court that a witness fee will not be accepted. The Department will reimburse the employee for travel expenses.

An employee subpoenaed to testify for the people in non-work related matters shall be granted administrative leave. An employee who receives such a subpoena should notify his/her supervisor and submit an HR-39 form (Request for Leave of Absence with Pay). Fees received from the court must be reimbursed to the Department if administrative leave is used. If the employee elects to use annual leave for time spent in court, he/she is not required to reimburse the Department for the fees received from the court.

Employees appearing in court in any other capacity will not be granted administrative leave. Any authorized absence shall be charged to annual leave. If granted annual leave, any fees received from the court may be kept.

#### NON-MEDICAL LEAVES OF ABSENCE WITHOUT PAY

The Department may approve other non-medical leaves without pay. The following are acceptable non-medical leaves:

#### **Educational Leave**

An educational leave may be approved:

1. When the educational course work is taken at the request of the Department.
2. In accordance with Veteran's benefits under Section 2-14.7 of Civil Service Rules.

#### **Leave to Accept an Excepted or Exempted Position**

A leave of absence may be granted to a classified employee in order to accept appointment to an excepted or exempted position.

#### **Leave to Run for Political Office**

In accordance with Section 1-12 of the Civil Service Commission Rules, a leave of absence shall be granted to a classified employee who is a candidate for nomination and election to a state office.

#### **Parental Leave**

Upon written request, an employee shall, after the birth of his/her child or the adoption of a child, be granted maternity/paternity leave for up to six months. The employer may grant an extension of such leave upon the request of the employee based on the operational needs of the employer.

#### **Waived Rights Leave**

A waived rights leave of absence may be granted for up to one year, if the employee has the equivalent of six months full-time employment in a permanent position. An employee granted a waived

rights leave has no right or guarantee to return to employment; however, if the employee returns to classified service before the expiration of the leave, the employee will not be considered to have a break in service for purposes of seniority and longevity. If the employee does not return to employment by the expiration of the leave, the employee will be separated.

#### **LEAVES OF ABSENCES AND ADMINISTRATIVE LEAVE FOR REPRESENTED EMPLOYEES**

Bargaining unit members should refer to the applicable articles pertaining to leaves of absence with pay and leaves of absence without pay in the appropriate contract.

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